

# Policy Manual

## Adult, Dislocated Worker, and Youth Programs

Revised: April 2021  
December 2020

### Part-time jobs to full-time careers.

Empowering Nebraskans to achieve economic independence and thrive in work and life  
in partnership with local employers.

## **Our Values**

### **Lumos Maxima**

Our work proudly stands in the light of public observation and accountability.

### **Loving Kindness**

We serve with compassion toward ourselves and others, recognizing that we are interconnected.

### **Triathlete of the Mind - Vision, Data Analysis, Viability**

We pursue excellence, leading with vision and developing evidence-based strategies.

### **Start the Conversation**

We proactively communicate with others, especially when it is hard.

We value diverse perspectives and seek to be inclusive.

### **Free the Fun**

We bring enthusiasm and optimism to our work every day.

Our workplace and community should involve plenty of joyful delight.

### **What's Next?**

We celebrate progress, with an eye on the next opportunity.

We appreciate the value of emergence.

## Initiatives

### Supporting employers in expanding and supporting their workforce

People are the most important part of any business, and businesses are the backbone of our communities. When people thrive in a job, we all succeed. Our goal is to support employers in expanding and supporting their workforce by:

- Understanding employers' workforce needs (now and in the future);
- Preparing and connecting jobseekers with those needs;
- Helping employers provide opportunities for employees to learn so they can continue to thrive and be agile in their jobs in an ever-shifting landscape.

### Empowering the jobseeker

We help Nebraskans find jobs where they can thrive—stable, good-paying jobs with opportunities for advancement that empower them to realize their unique strengths and potential. We commit to being proactive, respectful, and innovative. We strive to make meaningful connections. We will:

- Create opportunity guides based on labor market information and future trend analysis.
- Prepare jobseekers for the labor market by providing professional resume assistance, soft skills coaching, and mentoring.
- Empower the jobseeker to uncover and realize their unique strengths and potential. We create the opportunity; unlocking that opportunity is on the jobseeker.
- Communicate clearly (including menu of services & website redesign) and manage expectations.

### Evidence-based strategies

We pursue excellence by leading with vision and developing evidence-based strategies:

- Continuous improvement review for customer experience in partnership with Wichita State University and University of Nebraska – Lincoln.
- Develop an opportunity guide to assist jobseekers and talent development specialists in identifying emerging jobs, in-demand jobs, and career ladders.
- Identify WIOA activities that are creating positive performance outcomes and improve delivery of those that are not.

### Financial education

We help people earn and make money by helping them find employment. The guidance for managing that money is just as important for many of our customers and is often overlooked. We are committed to the complete wellbeing of our customers. We want them to thrive. We will strengthen our commitment to incorporating financial education into our service strategy. This will include creating a budget, managing debt, opening a bank account, and planning for the future.

### Active, Intentional, and Ongoing Engagement

Amidst an international pandemic, economic crisis, and social unrest, there are individuals that desperately need a job. We have a vital role to play. We cannot passively wait for these jobseekers to walk into our center. We must be active and intentional in reaching out to dislocated workers, low-income individuals, and diverse jobseekers. We can help jobseekers forge a path forward. We must get into the community and build stronger partnerships. We must meet people where they are. Our services are only impactful if individuals know they exist. Ongoing

engagement is critical to ensuring we understand the evolving and emerging needs of jobseekers.

**Digital Age**

We must improve our service strategy so that customers can access most services virtually. This will require redeveloping our website to be more intuitive; adding a chat function, scheduling assistant, and eligibility matrix; creating online resources; making our digital content accessible for visually impaired users and English language learners; making all assessments available online; using Zoom meetings; and creating direct linkages with our partners.

**Public  
Observation  
&  
Accountability**

Our work must stand proudly in the light of public observation and accountability. We are stewards of the American Job Center and the Title 1 Programs. It is our duty to maximize funding so that we can empower jobseekers and support businesses. This includes:

- Adhering to board-led monitoring schedule
- Establishing PY20 budget and enrollment goals that are reconciled each month
- Collecting workforce system performance outcomes quarterly
- Calculating cost per customer and percent of funding used for direct aid monthly

**American Job  
Center**

We offer a comprehensive array of services designed to match people with job and career opportunities. Our current center needs an overhaul. We want to create a vibrant gathering space, where jobseekers can explore careers, prepare for their next job, get job training if needed, and connect with career opportunities. This requires a stronger partnership with employers. We must invite and welcome employers to use our space. This means creating spaces for interviews and hiring events. We also want to create an inclusive and accessible place with opportunities for all. This means:

- Including assistive technology in the resource room, braille signage, accessible doors and parking.
- Incorporating inclusive restroom design.
- Providing a menu of services in English and Spanish, resources in languages that reflect our community, and hiring staff who can communicate in languages other than English.
- Inviting companion programs to co-locate with us so we can leverage and coordinate resources to create better outcomes.

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For technical assistance email Dylan Wren, City Workforce Administrator at [dwren@lincoln.ne.gov](mailto:dwren@lincoln.ne.gov).

## Eligibility for WIOA Adult, Dislocated Worker, and Youth Programs

<b>Effective Date:</b>	<b>8-31-2018</b>
<b>Modified:</b>	
<b>Supersedes:</b>	<b>Policy 4: Adult Eligibility (7-1-2017)</b> <b>Policy 6: Basic Skills Deficiency (7-1-2017)</b> <b>Policy 11: Dislocated Worker Eligibility (7-1-2017)</b> <b>Policy 19: Requires Additional Assistance (7-1-2017)</b> <b>Policy 22: Youth Eligibility (7-1-2017)</b>

Purpose: This policy establishes eligibility requirements for the Adult, Dislocated Worker, and Youth programs.

### In-School Youth Definition

An In-School Youth is defined as an eligible youth who is attending and/or enrolled in school, either secondary or post-secondary.

The term school is defined by state law. Nebraska State Law defines school as a school approved by the Nebraska State Board of Education, including:

- Accredited public and private secondary schools;
- Accredited denominational and parochial secondary schools;
- Schools that elect not to meet accreditation requirements, including home schools; and
- Alternative schools, classes, or education programs established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students

Nebraska State Law does not include postsecondary institutions in its definition of school. For the purpose of eligibility, the following providers or program are considered schools:

- All postsecondary institutions that are accredited according to the requirements of the U.S. Department of Education;
- All private postsecondary career schools that are licensed or authorized to operate by the Nebraska Department of Education; and
- All private postsecondary career schools that are licensed or authorized to operate in other states according to the requirements of the states in which they operate.

Providers of WIOA Title IC (Job Corps), Title ID (YouthBuild), and Title II (Adult Education and Family Literacy Act) programs are not considered schools for the purposes of determining school status.

### In-School Youth Eligibility Requirements

#### *General Requirements*

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Youth program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

### ***Mandatory Requirements***

In addition, program participants must:

1. Provide equal opportunity (EO) data on race, ethnicity, age, sex, and disability
2. Not be younger than age 14 or older than age 21
3. Be attending school, including secondary school or postsecondary school
4. Be low-income

### ***Sub-Requirements***

Program participants must also be at least one of the following:

- Basic skills deficient
- English language learner
- Offender
- Homeless
  - a. lacks a fixed, regular, and adequate nighttime residence; and is
    - i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or
    - ii. lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative; or
    - iii. lives in an emergency or transitional shelter; or
    - iv. is awaiting foster care placement;
  - b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - c. is a migratory youth who is living under circumstances described in Sections 3.a. and 3.b. of this Table 2;
  - d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, ~~SEP~~ similar settings; or
  - e. is a runaway.
- Individual
  - a. In foster care; or
  - b. Has aged out of the foster care system; or
  - c. Has attained age 16 and left foster care for kinship guardianship or adoption; or
  - d. Is eligible for assistance under the John H Chafee Foster Care Independence Program; or
  - e. Is in an out-of-home placement.
- Pregnant or parenting.
- Has a disability.
- Requires additional assistance to complete an educational program or to secure or hold employment. The Greater Lincoln Workforce Development Board defines “requires additional assistance to complete an educational program or to secure and hold employment” as meeting one or more of the following applications:
  - a. Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
  - b. Youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a Second Language instruction and remedial training for GED;
  - c. Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;

- d. Youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
- e. Youth residing in a defined Area of Substantial Unemployment and/or in the core of the city of Lincoln;
- f. Youth who have been unable to obtain or secure employment during the last six months

### **Out-of-School Youth Definition:**

An out-of-school youth is defined as an eligible youth who is not attending school; is a school dropout (and does not attend an alternative school or has not received a secondary school diploma or its recognized equivalent); has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed. Please note: If a youth is attending an alternative school at the time of enrollment, the youth does not meet the requirement for "out-of-school" youth. However, once a youth is determined eligible as an "out-of-school" youth and enrolled in the program, he/she can then attend an alternative school or receive alternative school services and it will not disqualify them as an "out-of-school" youth. Participants receiving services from Adult Education are considered OSY.

### **Out-of-School Youth Eligibility Requirements:**

#### ***General Requirements***

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Youth program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

#### ***Mandatory Requirements***

In addition, program participants must:

1. Provide equal opportunity (EO) data on race, ethnicity, age, sex, and disability
2. Not be younger than age 16 or older than age 24
3. Not be attending school, including secondary school or postsecondary school

#### ***Sub-Requirements***

Program participants must also be at least one of the following:

- School dropout
- Within the age of compulsory school attendance under state law but has not attended for at least the most recent complete school-year quarter or calendar-year quarter
- Recipient of a secondary school diploma or its recognized equivalent and low-income and either:
  - basic skills deficient; or
  - an English language learner
- Homeless



- a. lacks a fixed, regular, and adequate nighttime residence; and is
    - i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; or
    - ii. lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative; or
    - iii. lives in an emergency or transitional shelter; or
    - iv. is awaiting foster care placement;
  - b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
  - c. is a migratory youth who is living under circumstances described in Sections 3.a. and 3.b. of this Table 2;
  - d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, <sup>[1]</sup>~~SEP~~ similar settings; or
  - e. is a runaway.
- Offender
- Individual
  - a. In foster care; or
  - b. Has aged out of the foster care system; or
  - c. Has attained age 16 and left foster care for kinship guardianship or adoption; or
  - d. Is eligible for assistance under the John H Chafee Foster Care Independence Program; or
  - e. Is in an out-of-home placement.
- Pregnant or parenting.
- Has a disability.
- Requires additional assistance to complete an educational program or to secure or hold employment. The Greater Lincoln Workforce Development Board defines “requires additional assistance to complete an educational program or to secure and hold employment” as meeting one or more of the following applications:
  - a. Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
  - b. Youth who are deficient in basic skills and/or pre-employment/work maturity skills, including those needing English as a Second Language instruction and remedial training for GED;
  - c. Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as eligibility to receive free or reduced lunch benefits;
  - d. Youth who are defined as “neediest” – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
  - e. Youth residing in a defined Area of Substantial Unemployment and/or in the core of the city of Lincoln;
  - f. Youth who have been unable to obtain or secure employment during the last six months

### **Non-Eligible Youth**

Youth who do not meet the eligibility requirements for whatever reason should be screened for additional services through any of the other programs available through the Workforce System, including the Adult Program. Up to five (5) percent of all Youth program participants (ISY and OSY), who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility, provided they meet all other eligibility requirements.

### **Dislocated Worker Eligibility Requirements**

#### ***General Requirements***

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Dislocated Worker program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

#### ***Mandatory Requirements***

In addition, participants must meet the requirement of one of the below categories in order to receive career and/or training services:

#### ***Category 1 - Ordinary Layoff***

Individual who has been terminated or laid off, or who has received a notice of termination or layoff from employment, but not because of a permanent closure or mass layoff, and is either:

1. Eligible for or has exhausted entitlement to unemployment compensation; or
2. Has been employed long enough to demonstrate an attachment to the workforce even if not eligible for unemployment compensation due to: insufficient earnings or having performed services for an employer that is not covered under state unemployment compensation laws.
3. The individual must also be unlikely to return to a previous industry or occupation.

#### ***Category 2 - Permanent Closure or Mass Layoff***

Individual dislocated because of a permanent closure or mass layoff, meaning an individual who:

1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or
2. Is employed at a facility at which the employer has made a general announcement that the facility will close within one-hundred eighty (180) calendar days; or
3. For purposes of eligibility to receive services other than training services, career services, or supportive services is employed at a facility at which the employer has made a general announcement that the facility will close.

#### ***Category 3 - Conditions Affecting Self-Employment***

Self-employed individual (including self-employment in farming, ranching, or fishing industries) who is unemployed as a result of:

1. General economic conditions in the community in which the individual resides; or

2. A natural disaster.

***Category 4 - Displaced Homemaker***

This eligibility category covers an individual who is dislocated as a displaced homemaker, meaning the individual has been providing unpaid services to family members in the home and:

1. Has been dependent on the income of another family member but is no longer supported by that income; or
2. Is the dependent spouse of a member of the US Armed Forces on active duty and whose family income is significantly reduced because of a: deployment; call or order to active duty; or permanent change of duty station or the service-connected death or disability of the service member.
3. The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

***Category 5 - Service Member or Military Spouse to Service Member***

Service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

1. Has received a notice of separation, a Form DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the US Armed Forces;
2. Is eligible for or has exhausted unemployment compensation; and
3. Is unlikely to return to a previous industry or occupation.

Military Spouse. An individual who is the spouse of a member of the US Armed Forces on active duty is a dislocated worker if that individual:

1. Has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of the service member; or
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

**Adult Eligibility Requirements:**

***General Requirements***

Program participants must be either a(n):

1. Citizen or national of the United States; or
2. Immigrant authorized to work in the United States

Further, all Adult program participants who are male and age eighteen (18) or older must comply with the requirements of the Military Selective Service Act.

***Mandatory Requirements***

In addition, program participants must be 18 years or older.

***Priority of Service***

Priority for receipt of individualized career and training services or both adhere to the Greater Lincoln Priority of Service Policy.

**Nondiscrimination:**

All programs and activities funded or financially assisted in whole or in part under WIOA must comply with all laws on the prohibition against discrimination based on age, disability, or sex, or based on race, color, national origin, or political affiliation or belief.

**Definitions:**

State Policy: [Program Eligibility for Youth, Adults, and Dislocated Workers, Change 2](#) provides definitions in appendix I and is accessible at [dol.nebraska.gov](http://dol.nebraska.gov)

## Personally Identifiable Information

<b>Effective Date:</b>	<b>03-20-2019</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

**Purpose:** This is a board policy to protect personal information relating to an identifiable person

Personally identifiable information (**PII**) is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used for de-anonymizing anonymous data can be considered **PII**.

**PII** is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information.

The Greater Lincoln local area must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market or that is considered to be sensitive, consistent with applicable Federal, State, and local privacy and confidentiality laws.

The Greater Lincoln Workforce Development Board understands the importance of protecting and securing personally identifiable and sensitive information.

Grantee and administrative entity information and practices adhere to the City of Lincoln requirements.

The One Stop Operator and the WIOA Title IB Service Provider are required to have written operational procedures in place in sufficient detail to instruct staff on the importance of protecting personally identifiable information. Any breach of data must be reported in writing to the administrative entity immediately upon occurrence, not to exceed 24 hours after the breach is identified.

Operational procedures in use by the One Stop Operator and Title IB Service Provider must include the elements below:

### Participant Data

Participant information shall be stored in a secure location, any electronic transmittal of personal information shall have identifiable information or sensitive information redacted or transmitted in a password-protected document or encrypted. Staff will receive training on procedures for handling sensitive and identifiable personal information and will be required to sign a confidentiality agreement as a condition of employment, to be kept on file.

This process is shared with participants through a Consent/Authorization Form. Each participant is required to verify they have been informed about this process by signing the form.

### One Stop Operator/Title IB Provider Employee Data

The One Stop Operator/IB Provider will take reasonable technical and organizational precautions to prevent the

loss, misuse or alteration of personal information and intellectual property. The Operator/Provider will store all personal information provided in a secure location.

## Priority of Service

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	<b>3-7-2018</b>
<b>Supersedes:</b>	

### Policy

Priority of service means certain priority population groups are entitled to precedence for receipt of service over non-priority population groups. Priority of service cannot be waived.

Basic career services are universally accessible and subject to veterans' priority. The One Stop Operator is responsible for developing written operational procedures including a process for staff to follow to identify veteran status. These written procedures will be posted on the AJC's webpage and staff training will be provided by the One Stop Operator. Procedures will address the tracking and reporting of veterans' receipt of basic career services, and this information will be reported monthly to the local board.

Priority of service also applies to WIOA Title IB-Adult funds for provision of individualized career services, training services or both. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Priority status is established at the time of eligibility determination and does not change during the period of participation.

### WIOA Title IB-Adult Program

Priority for receipt of individualized career services and training services or both must be applied in the following order:

1.	First, to Veterans and eligible spouses of Veterans <u>who are</u> :
A.	recipients of public assistance;
B.	low-income; or
C.	basic-skills deficient;
2.	Second, to individuals <u>who are not</u> Veterans and eligible spouses of Veterans <u>but are</u> :
A.	recipients of public assistance;
B.	low- income; or
C.	basic-skills deficient;
3.	Third, to Veterans and eligible spouses of Veterans <u>who are not</u> :
A.	recipients of public assistance;
B.	low- income; or
C.	basic-skills deficient
4.	Fourth, populations established by the Governor and/or Local WDB

A.	None have been established.
5.	Last, to persons <u>who are not</u> :
A.	recipients of public assistance;
B.	low- income; or
C.	basic-skills deficient.

The Greater Lincoln Title I-B Project Director is responsible for developing written operational procedures including a process for staff to follow to identify and document priority of service for the Adult program.

These written procedures will be posted on the provider's webpage and staff training will be provided by the Project Director. Local board representatives will review documentation and adherence to procedures as a part of the local monitoring process.

The Title I-B Project Director manages the program funds and may establish a wait list for funded services when funding becomes limited. This decision must be reported in writing to the local board within 10 days.

In the event a wait list is implemented, this information is communicated to all system partners. Customers will be informed by the Title I-B Provider that a wait list is being established. Customers will be directed to complete a pre-application in NEworks which includes all contact information. This information will be used to manage the priority of service criteria for those interested in Adult-funded services.

The local board has established a goal that 75% of adult enrollments will meet the priority of service criteria. It is the Project Director's responsibility to report NEworks enrollment data to the local board quarterly. If actual performance falls below 51% in any quarter, the I-B Adult Project Director must submit a written corrective action plan to the board within 30 days.

The Title I-B Project Director will coordinate within the one stop system to educate community stakeholders, such as the Center for People in Need and Prosper Lincoln, on the priority of service requirements for basic career services and for Title I-B Adult services. Outreach efforts will be made in collaboration with other program partners and with community initiatives such as the South of Downtown neighborhood project, an initiative of the Lincoln Community Foundation. Outreach success will be measured by attainment of the 75% enrollment goal.

### **Definitions:**

State Policy: Priority Populations and Priority of Service provides definitions in appendix I and is accessible at [dol.nebraska.gov](http://dol.nebraska.gov)



## Accessibility

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln program funded by the Workforce Innovation and Opportunity Act is an equal opportunity program and auxiliary aids and services are available upon request to individuals with disabilities. The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights at 402-441-7624 as soon as possible before the scheduled meeting in order to make your request. The City's EO Officer will monitor for compliance in the local area.

The Greater Lincoln Workforce Development Board's policy requires:

- A recipient is obligated to provide physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIOA program, as required by section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and Section 188 of WIOA.
- The ADA defines a "disability" with respect to an individual to mean a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

### Universal Access

As defined in the Final Rule in 29 CFR Section 38 of the Federal Register, implementing the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, recipients must take appropriate steps to ensure universal access to WIOA Title I financially assisted programs and activities by doing the following:

1. Implementing an outreach and recruitment plan to solicit participation of all potentially WIOA Title I eligible reportable individuals in the entire locale;
2. Creating an outreach and recruitment plan that will reach specific target populations through media, schools, and community service groups;
3. Considering a pool of individuals for participation that includes members of both sexes, various racial and ethnic age groups, and individuals with disabilities;
4. Establishing a hiring and eligibility process that is accessible to qualified individuals with disabilities;
5. Utilizing facilities designed to provide reasonable access to individuals with disabilities in the following areas: training, job structure, work schedule, work procedure, and work equipment and auxiliary aids accommodations;

### National Origin and/or Limited English Proficiency

In providing any aid, benefit or training under WIOA Title I-financially assisted program or activity, an individual must not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination based on national origin, including treating individuals adversely because they (or their families or ancestors) are from a particular country or part of the world, because of ethnicity or accent (including physical, linguistic and cultural characteristics closely associated with a national origin group) or because the individual is perceived to be of a certain national origin.

A recipient must take reasonable steps to ensure meaning full access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity. Reasonable steps generally may include, but are not limited to:

1. An assessment of an LEP individual to determine language assistance needs;
2. Providing oral interpretation or written translation of both hard copy and electronic materials in the appropriate non-English languages;
3. Ensuring that every program delivery avenue (e.g., electronic, in person, telephonic) conveys in the appropriate languages how an individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides;
4. Ensuring language assistance services providing oral interpretation or written translation are accurate, provided in a timely manner (e.g., provided at a place and time that ensures equal access and avoids delay or denial) and free of charge;
5. Providing notice of the existence of interpretation and translation services;

### **Disability**

“Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

In compliance with Section 504 of the Rehabilitation Act of 1973, as amended, Title 29 CFR Part 38, recipients must provide programmatic and physical accessibility to individuals with disabilities.

A recipient, when providing aid, benefits, or services under WIOA Title I-financially assisted program or activity, must not directly or through contractual, licensing, or other arrangements, on the grounds of disability:

1. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services, or training;
2. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded of others;
3. Provide a qualified individual with a disability with any aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
4. Provide different, segregated or separate aid, benefit, service, or training to individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
5. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
6. Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

### **Programmatic Accessibility**

All WIOA Title I-financially assisted programs and activities must be programmatic accessible, which includes:

1. Ensuring accessibility to their training programs, activities and services in the most integrated setting appropriate to the needs of qualified individuals with disabilities, including employment tests or other selection criteria used by recipient that do not screen out individuals with disabilities, and training programs accessible to individuals with visual, hearing, or speech impairments;
2. Providing means for individuals with disabilities to receive information about availability of facilities accessible to them;
3. Making reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the WIOA Title I-financially assisted service, program, or activity;
4. Providing auxiliary aids, services and reasonable accommodations to qualified individuals with disabilities to enable them to perform duties of the job (e.g., special aids, modified work sites, or restructuring of jobs).

### **Physical Accessibility:**

All WIOA Title I-financially assisted programs and activities must be physically accessible:

1. No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because the recipient's facilities are inaccessible or unusable by individuals with disabilities.
2. Facilities must meet ADA Standards for Accessible Design, including, but not limited to:
  - a. Designated parking for the disabled that is accessible to the building entrance, free of any barriers (e.g., steps, steep slopes, low spots in ground or pavement, bucked or uneven concrete walkways, loose gravel);
  - b. Signage at the primary entrance to each of their inaccessible facilities, directing individuals to a location at which they can obtain information about accessible facilities;
  - c. The international symbol for accessibility at each primary entrance of an accessible facility;
  - d. Building entrance doors that can be opened with one hand;
  - e. Accessible information at public counter or reception areas;
  - f. Facility elevators that are accessible from the primary entrance, meeting the above criteria;
  - g. Elevator control panel and entrance buttons with raised numbers and Braille symbols at an accessible height;
  - h. At least one accessible public telephone per floor;
  - i. Accessible meeting rooms with Braille symbols at an accessible height;
  - j. Facility restrooms that have at least one toilet stall with an accessible doorway. The stall should have grab bars and the toilet seat should be accessible for the disabled individual after the door is closed (access to the grab bars should not be obstructed by such things as toilet paper dispensers, seat cover dispensers, etc.);

- k. Alternative methods to ensure that training, job structure, work schedule, work procedure, and work equipment are available to individuals with disabilities when the facilities are not physically accessible to individuals with disabilities.

All ADA technical requirements must be applied during the design, construction, and alteration of buildings and facilities.

**Reasonable Accommodations and Reasonable Modifications:**

With regard to any aid, benefit, service, training, and employment, 29 CFR Section 38.8 states that a recipient must do the following:

1. Provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship on business operations;
2. Make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the WIOA Title I-financially assisted service, program, or activity.

29CFR Section 38.4 defines “undue hardship” as significant difficulty or expense incurred by a recipient when considered in light of certain factors. These factors include, but are not limited to:

1. The nature and net cost of the accommodations needed;
2. Overall financial resources of recipient;
3. Type of operation(s) of recipient;
4. The number of persons aided, benefited, served, trained, or employed;
5. The impact on the ability of other participants to receive aids, benefits, services, or training or of other employees to perform their duties;
6. The impact on the facility's ability to carry out its business or mission.

The definition of “fundamental alteration” incorporates the concept of “undue financial and administrative burdens” in 29 CFR Part 38 and means:

1. A change in the essential nature of a program or activity as defined in 29 CFR Part 38.4, including but not limited to an aid, service, benefit, or training; or
2. A cost that the recipient can demonstrate would result in an undue burden.

If a recipient believes that the proposed modification would cause undue hardship or would fundamentally alter the program, the recipient has the burden of proving that compliance would result in such hardship and alternation. The recipient must make the decision that the accommodation would cause hardship or result in such alteration only after considering all factors listed in the definitions of “undue hardship” and “fundamental alternation.” The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation.

If a requested accommodation would result in “undue hardship” or a modification would result in a “fundamental alteration”, the recipient must take any other action that would not result in such burden or alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient.

**Communications with Individuals with Disabilities and Auxiliary Aids or Services:**

Appropriate steps must be taken to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are *as effective as communications with others*.

“Companion” means a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training program, or activity of a recipient, who along with such individual, is an appropriate person with whom the recipient should communicate.

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity a recipient must furnish appropriate auxiliary aids or services where necessary to ensure *effective communication*.

1. A recipient must give primary consideration to the requests of individuals with disabilities;
2. Appropriate auxiliary aids and services must be provided in accessible formats and in a timely manner;
3. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual and the context in which the communication is taking place;
4. A list of auxiliary aids and services is available in 29 CFR Section 38.4, and **includes:**

With respect to information and communication technology, the final rule specifies that “when developing, procuring, maintaining, or using electronic and information technology, a recipient must utilize electronic and information technologies, applications, or adaptations which:

1. Incorporate accessibility features for individuals with disabilities;
2. Are consistent with modern accessibility standards such as Section 508 standards and W3C’s Web Content Accessibility Guidelines (WCAG) 2.0AA; and
3. Provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.

Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and/or members of the public, text telephones (TTYs) or equally effective telecommunications systems must be used to communicate with individuals who are deaf or hard of hearing or have speech impairments. When a recipient uses an automated-attendant system, including but not limited to voice mail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time

communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems. A recipient must respond to telephone calls from a telecommunications relay service established under Title IV of the ADA in the same manner that it responds to other telephone calls.

Recipients must not require an individual with a disability to bring another individual to interpret or facilitate communication except in specified circumstances or rely on a on an adult accompanying an individual with a disability to interpret or facilitate communication except in specified circumstances or rely on a minor child to interpret or facilitate except in specified circumstances.

### **Service Animals:**

Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of a recipient's facilities where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicants/registrants, applicants for employment and employees, or invitees, as relevant, are allowed to go. Exceptions to this policy include:

1. Recipients may ask an individual to remove the service animal from the premise if
  - a. The animal is out of control. The service animal must be on a harness, leash, or other tether, unless
    - i. The handler is unable because of a disability to use a harness, leash, or other tether, or
    - ii. The use of the same or the use would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
  - b. The animal is not housebroken.
2. If a recipient properly excludes a service animal because of the above-listed reasons, the recipient must be given the individual with a disability the opportunity to participate in the WIOA Title I- financially assisted service, program, or activity without having the service animal on the premises.
3. Where an employer recipient, after an individualized assessment, can demonstrate, that the presence of the service animal in a food preparation area being used by an employee, applicant or beneficiary, presents a direct threat to health or safety that cannot be eliminated or reduced by a reasonable accommodation to the employee, applicant or beneficiary;

The recipient is not responsible for the care of supervision of the service animal.

The recipient must not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal:

1. A recipient may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.
2. A recipient must not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

3. A recipient may not make these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).



## Career Planning

<b>Effective Date:</b>	7-1-2017
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board defines career planning as the provision of a client-centered approach in the delivery of services, designed:

- To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
- To provide job, education, and career counseling during program participation and after job placement

The Greater Lincoln Workforce Development Board's policy requires that Greater Lincoln Title IB provider(s) and the One Stop Operator develop operational procedures which will include best practices in compliance with this policy. The operations procedures/manuals will be reviewed for compliance during the board's formal monitoring process and are currently, and will continue to be, posted on the provider website.

The elements of career planning include:

- Initial Assessment for Eligibility
- Information and Referral
- Registration and Participation
- Enrollment
- Eligibility for Training Services
- Objective Assessment
- Individual Service Strategy Plan
- Supportive Services
- Training Decisions for Adults and Dislocated Workers
- Exits
- Follow-up and Post Placement Contact

### Initial Assessment for Eligibility

The initial assessment provides preliminary information about the individual's skill levels, aptitudes, abilities (including skills gaps), and supportive service needs. As a basic career service for adults and dislocated workers, the initial assessment is intended to be a preliminary information gathering process that provides enough information about an individual's basic literacy and occupational skill levels to enable the One-Stop operator or provider to make appropriate referrals to services available through the One-Stop operator and partner programs.

WIOA section 3(5) defines **basic skills deficient** as an individual who:

- Is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Is a youth or adult, that the individual is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.



One stop operators and career planners are expected to adhere to program eligibility requirements; and Equal Opportunity and nondiscrimination policies.

### **Information and Referral**

Each participant or applicant who meets the minimum income criteria for consideration as an eligible youth must be provided:

- Information on the full array of applicable or appropriate services that are available through the eligible providers and One-Stop partners, including those receiving funds under WIOA Title I, Subtitle B Workforce Investment Activities and Providers; and
- Referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

It is the responsibility of the youth program provider(s) to ensure that an eligible applicant who does not meet the enrollment requirements of a particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant. The youth provider(s) must ensure that all 14 required elements are made available to youth.

### **Registration and Participation**

Registration serves to collect information to document a determination of eligibility for a program. Sources of information include electronic data transfer, personal interview, or an individual's application.

Participation occurs after the registration process supporting the eligibility determination. It begins when the individual receives a staff-assisted WIOA service, not including self-service or informational activities. The following points must be included in operational procedures of the One Stop Operator/Provider(s) and staff training must be documented:

- Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and must be a participant.
- The WIOA Participation Date is the date following a determination of eligibility to participate in the program when the individual begins receiving a service funded by the program in either a physical location, Lincoln's American Job Center, or remotely through electronic technologies. The WIOA Participation date is the official point when the participant begins being counted in performance measures.
- In Nebraska, there is a limit of 90 days for validity of an application as it relates to eligibility. If over 90 days elapse between the WIOA Application Date and the WIOA Participation Date, then the application will be closed.

### **Enrollment**

Enrollment in the youth program requires the collection of information to support an eligibility determination and participation in any of the fourteen youth program elements.

- Enrollment is required in order to receive youth services.
- Dropout status is determined at the time of youth program enrollment. An out-of-school youth at the time of registration and subsequently placed in an alternative school may be considered an out-of-school youth for the 75 percent expenditure requirement for out-of-school youth.
- Employment Opportunity data must be collected on every individual interested in being considered for Title I financially assisted aid, benefits, services, or training by the One Stop Operator or provider(s),

and who has signified that interest by submitting personal information in response to a request from that Operator or designated service provider(s).

### **Eligibility for Training Services**

Requirements for adults and dislocated workers are covered in Policy 4-Adult Eligibility and Policy 11-Dislocated Worker Eligibility.

### **Objective Assessment**

Youth provider(s) must provide an objective assessment of the academic levels, skill levels, and service needs of each participant. The assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants. A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program.

### **Individual Service Strategy Plan**

The individual employment plan (IEP) is an individual career service jointly developed by the participant and career planner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals.

- If determined appropriate based on the need of the individual participant, the plan may include supportive services.
- The development of an IEP is not a condition to receive another service.
- Youth provider(s) in Greater Lincoln must develop Individual Service Strategies (ISS) for each participant directly linked to one or more of the indicators of performance described in Section 116(b)(2)(A)(ii) of WIOA, and must identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment.
- A new service strategy for a youth participant is not required if the provider(s) carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant.

### **Supportive Services**

Policy 21 describes Supportive Services in Greater Lincoln.

### **Training Decisions for Adults and Dislocated Workers**

After an interview, evaluation, or assessment, and career planning before deciding on training, the career planner must ask these questions:

1. Has the participant met the qualifications to be eligible for training services (i.e., received either an interview, planning or any other method through which the One-Stop operator or partner/provider can obtain information and make an eligibility determination to be determined eligible for training service)?

NOTE: There is no federally-required minimum time period for participation in career services before receiving training services. The board relies on the experience of the program staff to make reasonable determinations.

2. Does the participant have the skills and qualifications to successfully complete the selected training program?
3. Is the program of training services directly linked to the employment opportunities either in the Greater Lincoln, the Southeast Region or in another area to which the participant is willing to relocate?
4. Is there another funding source willing to pay the costs of the training, including such sources as state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants? What are the opportunities for co-enrollment and co-case management?
5. If funding is limited in Greater Lincoln, does the adult participant meet the priority requirements given to recipients of public assistance and other low-income individuals?

### **Exits**

For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned.<sup>27</sup> Ninety days of no service does not include self-service or information-only activities or follow-up services. The board expects the Operator/providers to comply with all requirements contained in NEworks regarding case closure and exit dates.

### **Follow-Up/Post Placement Contact**

The board recognizes the importance to the individual of follow-up services and post placement contact. Operator/provider staff is expected to comply with the time duration and definitions of follow-up activities included in the NDOL policy. The provision of follow-up services and post placement contact will be monitored by the board during its formal program monitoring process.

### **Documentation**

The board requires the Operator/provider staff to comply with all documentation requirements in NEworks, ECM, and NDOL policy. The board expects career services to be provided prior to an individual's receipt of training services, unless documentation supports a lack of need/benefit for career services. The board is establishing no minimum time period for participation in career services before training services.

Documentation requirements include:

- An individual's case file must contain a determination of need for training services, as determined through the interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the board requires staff to document the circumstances that justified determination to provide training services without first providing the career services. There is no federally-required minimum time period for participation in career services before receiving training services and the board is not establishing a minimum time period.
- All case management/career planning files with an application date on or after July 1, 2012 will be electronic. The case management file for enrollments prior to July 1, 2012 may be either hard copy, electronic, or both.
- For registered participants, a standardized electronic record that includes appropriate performance information must be maintained at the local level.



## Work Based Learning Policy

<b>Effective Date:</b>	<b>03-26-2019</b>
<b>Modified:</b>	<b>08-28-2019 amending Transitional Jobs</b> <b>06-18-2020 amending Work Experience</b>
<b>Supersedes:</b>	<b>Policy 21: Work-based Learning (7-1-2017)</b>

**PURPOSE:** To provide the local board's policy on Work Based Learning for the Adult, Dislocated Worker, and Youth programs within the private-for-profit sector, non-profit sector, or public sector, including, as applicable:

- Summer employment opportunities and other work experience opportunities available throughout the school year (Youth only);
- Pre-apprenticeship and Registered Apprenticeship programs;
- Internships and job shadowing;
- On-the-Job Training (OJT) opportunities;
- Transitional jobs;
- Incumbent Worker; and
- Customized Job Training

### Work Based Learning Policy

The Greater Lincoln Workforce Development Board's policy complies with WIOA's emphasis on offering an array of work-based training strategies and employment approaches to benefit low-income individuals. Work Based Learning gives underprepared adults and youth the chance to earn income while also receiving training and developing essential skills that are best learned on the job. These strategies also ensure training is tied to in-demand occupations by engaging employers and industry sectors to define needed skills.

Activities identified as Work Based Learning and addressed in this policy include On-the-Job Training, Registered Apprenticeship training, paid or unpaid Work Experiences and Internships Pre-Apprenticeship and Registered Apprenticeship training, and Job Shadowing, Transitional Jobs, Incumbent Worker training and Customized Job training.

### On-the-Job Training

The term "on-the-job training" (OJT) means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Is made available through a program that provides reimbursement to the employer of up to 75 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

The Board has a separate OJT policy that approves employer reimbursement of 75% for small employers with 1-200 employees; a maximum cap of a 50% reimbursement rate applies to larger employers.

Clients enrolled in an OJT program may be concurrently enrolled in an academic training program to improve academic skills. However, unless it is the employer's normal practice to pay wages to employees during academic skill training, the time may not be reimbursed. The establishment of an OJT contract has multiple requirements. These are outlined in the Board's OJT policy.

### **Registered Apprenticeship**

Registered Apprenticeship (RA) is an "Earn and Learn" training model, providing a unique combination of structured learning with on-the-job training from an assigned mentor. Related instruction, technical training or other certified training is provided by apprenticeship training centers, technical schools, community colleges, and/or institutions employing distance and computer-based learning approaches. The goal is to provide workers with advanced skillsets that meet the specific needs of employers. Upon completion of a Registered Apprenticeship program, participants receive an industry issued, nationally recognized credential that certifies occupational proficiency and is portable.

Given the unique nature of RA, there are several ways in which training services may be used in conjunction with these programs:

- An Individual Training Account (ITA) may be developed for a participant to receive RA training;
- An OJT contract may be developed with a RA program for training participants. OJT contracts are made with the employer or RA program sponsor, and RAs generally involve both classroom and OJT instruction. The OJT contract may be made to support some or all of the OJT portion of the RA program;
- A combination of an ITA to cover the classroom instruction along with an OJT contract to cover the on-the-job portions of the RA is allowed; and
- Incumbent Worker Training may be used for up-skilling apprentices or journey workers who already have an established working/training relationship with the RA program.
- Youth program funds may be used for RA as an Occupational Skills Training option for youth ages 16-24.
- Supportive Services including books, supplies, childcare, transportation, tools, and uniforms.
- Contracted classes with an ETP to train a cohort of potential apprentices in in-demand industry sectors or occupations, provided the apprentices/potential apprentices meet the Youth, Adult or Dislocated Worker requirements for training services.
- Customized Training may also be used to support RA program sponsors and apprentices.

Supportive services may also be included in coordination with career and/or training services, to participants in a RA program.

### **Pre-Apprenticeship**

Pre-apprenticeship is a program or set of strategies designed to prepare individuals to enter and succeed in registered apprenticeship programs and has a documented partnership with at least one, if not more, registered apprenticeship programs(s).

### **Work Experience and Internships**

Paid (subsidized) or unpaid work experience or internship is a planned, structured learning experience in a workplace for a limited period of time that provide participants with opportunities for career exploration and skill development.

Work experience or internship may be in the private-for-profit sector, the non-profit sector or in the public sector, for participants whose assessment and employment development plan / individual service strategy indicates that work experience, internship, and/or transitional jobs are appropriate. Work experiences and internships may be paid or unpaid (as appropriate and consistent with laws such as the Fair Labor Standards Act).

Work experiences and internships will be in positions that are "entry-level." For paid work experiences, WIOA will pay the participants' wages. Wages are set by the Board as \$10 an hour, unless documentation exists to support a higher wage.

Participants in work experience or internship may work no more than 40 hours a week. The duration of the work experience will be based upon the expected outcomes.

NOTE: WIOA Youth program participants might participate in more than one work experience or internship assignment over the duration of their program participation – i.e. summer employment, job shadowing, pre-apprenticeship programs.

No participant will work in any subsidized work experience or internship position when the same or substantially equivalent position is vacant due to a labor dispute.

The worksite supervisor is expected to provide supervision and training for participants, as well as monitor progress and application of job readiness skills. The ratio of trainee to supervisor will not exceed 5 to 1.

Work Experience and internship participants are considered trainees. Therefore staff developing such training opportunities must ensure adequate supervision at the worksites. A supervisor must be on-site at all times during the trainee's work hours. On site monitoring of worksites by provider staff will take place at least monthly.

### **Job Shadowing**

Job shadowing is a work experience option where youth learn about a job by walking through the work day as a shadow to a competent worker. The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the youth.

### **Transitional Jobs**

Transitional jobs are a type of work experience and are considered an individualized career service. Transitional jobs are time-limited and wage-paid work experiences that are subsidized up to 100%.



Up to 10% of the local Board's combined total of Adult and Dislocated Worker funds may be used to provide transitional jobs to program participants.

The duration of transitional jobs may be for up to three (3) calendar months at a wage rate not to exceed \$12.00 per hour.

These jobs may be in the public, private or nonprofit sectors and are only available to individuals with barriers to employment who are chronically unemployed or have an inconsistent work history defined by the Board as unemployed for 10 consecutive weeks or having 3 or more employers in a 12-month period.

In addition to the long-term unemployed, ex-offenders, and individuals who are currently receiving or have exhausted TANF benefits are eligible. The goal is to provide a program participant with work experience in an employee-employer relationship, in which the program provider acts as the employer, and where the program participant has the opportunity to develop important workplace skills.

The transitional job must be combined with other career and supportive services, including any of the supportive services currently identified by the Board are allowed with documentation on need by the Service Provider. Where possible, transitional jobs will be combined with job readiness training. These jobs must be designed to establish a work history with the program participant showing success in the workplace and developing the skills that lead to entry into and retention in unsubsidized employment. Retention by the employer is preferred but there is no requirement for the employer to retain the program participant in employment.

### **Incumbent Worker Training**

Incumbent Worker Training (IWT) is designed to meet the needs of an employer or group of employers to retain a skilled workforce or avert layoffs. IWT is not permitted to be used to provide the occupational training needed by a new hire. IWT can be used to either:

- Help avert potential layoffs of employees, or
- Obtain the skills necessary to retain employment, such as increasing the skill levels of employees so they can be promoted within the company and create backfill opportunities for less skilled employees.

IWT services must be conducted with a commitment by the employer to retain or avert the layoffs of the workers trained.

The Board can use up to 20% of its Adult and Dislocated Worker program funds to provide for the federal share of the cost of providing IWT. The 20% can be used for IWT activities that are programmatic in nature, as administrative activities must be paid out of the Board's administrative funds. An Employer's eligibility is based on the following factors, which help to evaluate whether training would increase the competitiveness of the employees or both the employees and the employer:

- The characteristics of the individuals in the program (e.g. individuals with barriers to employment);
- Whether the training improves the labor market competitiveness of the employees or both the employees and the employer; and
- Other factors the Board may consider appropriate, including:



- The number of employees participating in the training;
- Wage and benefit levels of those employees (both pre- and post-training earnings);
- The existence of other training and advancement opportunities provided by the employer;
- Credentials and skills gained as a result of the training;
- Layoffs averted as a result of the training;
- Utilization as part of a larger sector and/or career pathway strategy; or
- Employer size

For an employer to receive IWT funds, the individual(s) receiving training must be:

- Employed by the employer;
- Meet the Fair Labor Standards Act (FLSA) requirements for an employer-employee relationship;
- Have an established employment history with the employer for six months or more (may include time spent as a temporary or contract worker performing work for the employer receiving the IWT funds).

The exception to the six month requirement is that, in the event that IWT is being provided to a cohort of employees, not every employee in the cohort must have an established employment history with the employer for six months or more as long as a majority of those employees being trained meet the employment history requirement.

An incumbent worker does not have to meet the eligibility requirements for career and training services for Adults and Dislocated Workers under WIOA, unless they are also enrolled as a participant in the WIOA Adult or Dislocated Worker program.

The Governor or the State WDB may make recommendations to the Local Board for providing IWT that has a statewide impact. The State may also provide IWT with Rapid Response funds for statewide IWT activities as part of a broader layoff aversion strategy.

Generally, IWT should be provided to private sector employers; however, there may be instances where non-profit and local government entities may be the recipients of IWT funds. For example, IWT may be used in the health care industry where hospitals are operated by non-profit or local government entities and a nursing up-skilling opportunity is available.

IWT can also be used for underemployed workers, e.g. workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they may have accepted reduced hours to gain or maintain employment or a previous dislocation has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. The use of these strategies may focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay. The Board's Service Provider will develop contracts such that, once incumbent workers advance with the employer, the employer will then provide an opportunity to the Board's Service Provider to fill the now vacant position with a local WIOA participant.

The contract between the Board's Service Provider and employer must document the minimum six-month work history requirement for IWT recipients with the employer.

Employers are required to pay the non-Federal share of the cost of providing incumbent worker training. Employers are required to pay a portion of the training for those individuals in IWT. This may be done through both cash payments and fairly evaluated in-kind contributions. The employer contribution may include the wages the employer pays to the incumbent worker trainee while the worker is attending training. In establishing the employer share of the cost, the Board's Service Provider must consider the number of employees participating in the training, the wage and benefit levels of the employees (at the beginning and anticipated upon completion of the training), the relationship of the training to the competitiveness of the employer and employees, and the availability of other employer-provided training and advancement opportunities. The minimum amount of employer share in the IWT depends on the size of the employer and may not be less than:

- 10% of the cost, for employers with 50 or fewer employees;
- 25% of the cost, for employers with between 51 to 100 employees; and
- 50% of the cost, for employers with more than 100 employees.

The employer share must be reported by the Board as program income in its quarterly financial reports.

### **Customized Training**

Customized Training is designed to meet the specific requirements of an employer or group of employers with the commitment that the employer(s) hire an individual or group of individuals upon successful completion of the training. Customized training may be provided for an employer or group of employers when the:

- employee or group of employees are not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment;
- training relates to:
  - introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy; or
  - other appropriate purposes identified by the Board.

The Board maintains flexibility to ensure that customized training meets the unique needs of the job seeker(s) and employer(s). The employer must pay for a significant portion of the cost of training. These will be defined as outlined under the IWT section of this policy.

### **General Requirements for Participant Eligibility**

Work Based Learning opportunities must be identified as an appropriate activity for program participants on the IEP or ISS. IEPs or ISSs and/or case notes will specify goals of the Work Based Learning activity by –

- Identifying purpose of the activity
- Identifying linkage between work and educational interests/goals and

- Outcomes expected

For youth programs, the board recognizes the requirement that at least 20 percent of Youth formula funds be spent on paid and unpaid work experiences that incorporate academic and occupational education for out-of-school and in-school youth or other Work Based Learning activities such as OJT or Internships. Exceeding this percentage may be considered as a future local performance measure or a pay-for-performance requirement in the future.

### **Prohibited Activity**

Funds provided to employers for Work Based Learning must not be used to directly or indirectly:

- Assist, promote, or deter union organizing; or
- Aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out, in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

### **Nondiscrimination**

All programs and activities funded or financially assisted in whole or in part under WIOA must comply with all laws on the prohibition against discrimination based on age, disability, or sex, or based on race, color, national origin, or political affiliation or belief.

### **Board Expectation**

The local board expects that the WIOA Title IB Provider and One Stop Operator will incorporate the requirements outlined in this policy into their written operations procedures.

## On-the-Job Training Policy

<b>Effective Date:</b>	<b>08-17-2018</b>
<b>Modified:</b>	<b>08-28-2018 amended</b> <b>05-05-2020 administrative update</b>
<b>Supersedes:</b>	<b>Policy 16: On-the-Job Training (7-1-2017)</b>

**Purpose:** This policy establishes requirements to operate the On-the-Job Training (OJT) program under the Workforce Innovation and Opportunity Act (WIOA) in Greater Lincoln.

### Definition

The term "on-the-job training" means training, under a contract (Attachment 2), by an employer or the sponsor of a Registered Apprenticeship program that is provided to a paid participant while engaged in productive work in a job that:

- A. Provides knowledge or skills essential to the full and adequate performance of the job;
- B. Provides reimbursement of a percentage of the wage rate to the employer for the extraordinary costs of providing the training and additional supervision related to the training; and
- C. Is limited in duration to the time necessary for a participant to become proficient in the occupation for which they are receiving the OJT training, taking into account the skill requirements of the occupation, the academic and occupation skill level of the participant, prior work experience, and the individual employment plan.

Priority for OJT must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. OJT is intended for unemployed participants but OJT contracts may be established for eligible workers if

- the worker is not earning a self-sufficient wage comparable to or higher than wages from their previous employment. Self-sufficiency will be determined by comparing the income needs of families by family size, the number and ages of children in the family, and sub-state geographical considerations. The Service Provider will establish operational procedures to document this determination. OR
- the OJT relates to one (1) or more of the following factors:
  - introduction of new technologies;
  - introduction to new production or service procedures;
  - upgrading to a new job that requires additional skills;
  - workplace literacy; or
  - other appropriate purposes identified by the local board.

OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program

Youth programs must expend not less than 20 percent of the funds allocated to provide in-school and out-of-school youth with work based learning experiences; OJT is included in this category.

### **Pre-Award Reviews (Attachment 1)**

A pre-award review is conducted prior to contract execution. Service Provider staff will determine if the employer meets the requirements for OJT. The Service Provider is expected to maintain written operational procedures for negotiating OJT contracts; these written procedures are reviewed as a part of the board's formal monitoring process.

When multiple or follow-on contracts are initiated with the same employer, a complete pre-award review of subsequent contracts is not necessary if a review has been conducted within the past six months.

Pre-award reviews become a part of the OJT contract and provide the necessary documentation in these areas:

- Proof of whether the employer is a new or established business is required. If the company has operated at the current location less than 120 days and the business relocated from another area in the U.S., the Service Provider must verify that employees were not laid off at the previous location as a result of the relocation.
- Review and discussion of the Employer Assurances and Certifications for On-the-Job Training form (Attachment 3) by local area staff with the employer, either in-person or by phone.
- The employer size, meaning number of employees currently employed at the local operation where the OJT placements will be made, must be documented. When substantiating the employer count, the most current Labor Market Information (LMI) may be a source to consider and may be obtained by the Service Provider from *NEworks*. Employer size is determined by the number of employees at the time of the pre-award review. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.
- Determination if the applicant has worked for the employer at any time in the past, and if so, the dates and circumstances are required. Individuals shall not be considered eligible for services with the same employer in the same occupation.
- Description of the hiring practices of this employer in general, and for this position in particular, is included.
- Determination if the applicant is related to the employer or an employee who works for the employer in an administrative or supervisory capacity is required.
- Calculation of the employer's rate of employee turnover, and the turnover for this particular position is included. Contracting with employers who have high employee turnover rates should be avoided. The Service Provider is expected to define and document in writing high turnover rate based on local conditions, industry sector and occupation.
- If the employer has incurred any layoffs in the past 12 months and the Service Provider must check to be sure no Worker Adjustment and Retraining Notification Act (WARN) notices have been filed.
- Determination is needed to define if the position is full- or part-time, and if permanent, temporary, or seasonal. Contracts shall not be established for positions that do not or cannot have a trainer or supervisor present, or for temporary positions that are supplied to employers by temporary employment contractors.
- Evidence if the position is covered by a collective bargaining agreement is collected, and if the training is consistent with such agreement.
- Notation is added if there have been any OSHA, wage and hour, or child labor law violations in the past year.

- If there has been any substantiated Equal Opportunity complaints, the Service Provider is expected to consult with the local EEO Officer for input.
- Inclusion of minimum qualifications for the position, and a written job description is required.
- The Service Provider must determine if the pay and benefits are equivalent to similar positions in the local labor market and/or similar positions with the employer.
- Evidence of the employer providing worker's compensation or accident insurance is a requirement.
- Determination must be made by the Service Provider if the employer's accounting system (especially payroll), personnel system, grievance system, etc., are adequate to administer the contract agreement.
- If the employer is presently disbarred or suspended from receiving federal contracts that will be a disqualification by the Service Provider.

Re-contracting is allowable with the same employer and may be desirable when an employer/training provider has a high success rate of training and placement. However, re-contracting should not be entered into with employers who have received payments under previous contracts and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

Reverse referrals are allowed, however, all of the conditions of the local OJT policy must be met. A reverse referral occurs when an employer with a hiring need refers an individual to the Career Center or Service Provider for an eligibility determination, and then hires the individual under an OJT training contract.

### **On-the-Job Training Contract Requirements**

OJT contracts shall be procured in accordance with all federal, state and local procurement policies and at a minimum shall contain or address the following information:

#### ***Employer Assurances and Certifications***

The completed and signed Employer Assurances and Certifications for On-the-Job Training form (Attachment 3) is part of the OJT contract. If the employer has signed an Employer Assurances and Certifications for On-the-Job Training form and an OJT contract within the preceding six (6) months, the employer is not required to execute a new Employer Assurances and Certifications for On-the-Job Training form in order to enter into a new OJT contract for placement of another participant.

#### ***Occupation(s) For Which Training Is To Be Provided –***

Training will be provided only for those occupations for that are in-demand in the area served, or in another area to which the trainee is willing to relocate, or for occupations that provide a self-sufficient wage and a career pathway for advancement. Training may also be provided, upon approval of the local board, for an occupation determined by the local board to be in a sector(s) of the economy that has a high potential for sustained demand or growth in the local area. The GLWDB recognized the following industries at their full Board meeting on 10-26-17: Advanced Manufacturing, Business & IT, Healthcare, Insurance/Finance, Life Sciences/Agriculture, and Transportation and Logistics.

#### ***Length Of Time The Training Will Be Provided***



The length of OJT in Greater Lincoln shall be based on the skill gap assessment. Skill gap occurs where there is a gap between the skills of the individual and the skills needed for the targeted job. The skill gap is measured and documented by the Service Provider by taking into consideration:

- the initial skills of the participant as determined by recognized skill assessment tools, not just educational attainment, and
- skill level needed to perform the job

There are several recognized skill assessment tools available to the Service Provider that are useful in determining the skills necessary for specific occupations and industries. Some of these include:

- **Industries:** Competency Model Clearinghouse at <https://www.careeronestop.org/CompetencyModel/>: includes competency models for bioscience, construction, automation, and more
- **Occupations:** O\*NET OnLine at <https://www.onetonline.org/>: includes Occupational Competency Profiles which contain tasks, knowledge, skills, abilities, detailed work activities
- **Certification Finder:** Certification Finder at <https://www.careeronestop.org/toolkit/training/find-certifications.aspx>: from *careeronestop*, includes certifications for hundreds of occupations.

In most instances, the O\*NET assessment shall be used, but the other tools listed above are acceptable. The Service Provider must document the tool used and the results.

The duration must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience and education, and the participant's individual employment plan (IEP) or Individual Service Strategy (ISS). The expectation is that the participant will be placed in full-time employment, meaning a minimum of 35 hours per week.

## **Greater Lincoln Steps to Determine Length of Training (Attachment 4)**

### ***Skill Requirement of the Occupation***

- Obtain the job description and training outline from the employer.
- Match employer job title/description with O\*NET.
- Review for consistency
- Obtain employer's input on the length of time it takes for the trainee to become proficient in the occupation
- Obtain SVP codes from O\*NET and compare to the hours requested by the employer to ensure the training length is reasonable.

### ***Academic and Skill Level of Trainee***

- Assess trainee's academic and skill levels, and previous work experience.
- Compare the trainee's academic, skill levels and previous work experience with the requirements of the OJT position.

- Indicate whether the trainee does or does not possess the skills needed to be proficient in the occupation. Trainees determined to be proficient are not eligible for OJT. Trainee's determined not proficient are eligible for OJT.

### ***Calculating Training***

- Use SVP Codes to estimate hours of training for the position.
- Compare SVP training length with employer estimated training length. Select training length that is reasonable and closest to employers estimated training length.
- If trainee has work experience directly related to the OJT position, the chart in Attachment 4 to determine the deduction amount.
- If trainee has formal education directly related to the position, use the chart in Attachment 4 to determine the deduction amount.

### **Wage Rate To Be Paid To The Trainee and Wage Reimbursement Cap**

Individuals participating in on-the-job training must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage. The Service Provider must be knowledgeable of the current wage rates.

The employer-reimbursement rate is applied against the participant's wage rate.

In addition, participants in OJT must be provided benefits and working conditions comparable to those of other trainees or employees working a similar length of time and doing the same type of work for the employer.

### **Reimbursement for On-the-Job Training (Attachment 6)**

OJT payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT. Typically, the reimbursement rate may be up to 50 percent of extraordinary costs.

The Governor or local board may increase the amount of the reimbursement from 50 percent up to 75 percent of the wage rate of a participant for a program if:

1. The Governor approves the increase with respect to a program carried out with funds reserved by the state; or
2. The local board approves the increase with respect to a program carried out with funds allocated to a local area.

The Greater Lincoln Workforce Development Board has established an employer reimbursement rate of up to 75%, dependent on the size of the business. Businesses with 1 – 200 employees in the local area may receive up to 75% reimbursement; businesses with over 200 employees in the local area can receive up to 50% reimbursement. The higher rate of reimbursement available to smaller businesses offsets the fact that, due to having fewer employees, small businesses have a higher percentage of their staff costs going to providing the training and fiscal reporting required for OJT contracting. Also, due to having fewer employees, the costs associated with the lower productivity of the participants may place a proportionately larger burden on productivity in general. To receive reimbursement, employers must submit the OJT Reimbursement form (Attachment 6).



### **Training Outline Listing Work Skills To Be Learned In the Position (Attachment 5)**

A comprehensive list of work skills the trainee will learn during the contract period is a required part of the contract. Efforts should be made by the Service Provider to develop programs that contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.

### **Other Classroom Training**

An outline of any other separate classroom training may be provided by the employer and documented on the OJT Training outline (Attachment 5).

### **Records Maintenance**

#### **Employer's Agreement To Maintain And Make Available Accurate And Complete Time And Attendance, Payroll And Other Records To Support Amounts Claimed By The Employer For Reimbursement Under The Contract –**

The employer must preserve all trainee payroll, fringe benefit, and personnel records (including time and attendance sheets normally kept by the employer for employees) for three years from the close of the applicable program year or longer if any litigation or audit has begun or any claim is instituted which involves these records. In that case, the employer shall retain the records beyond the three-year period until the litigation, audit findings or claim has been resolved.

### **Written Assurances**

OJT contracts must include several standard assurances that are designed to acknowledge a contractor's responsibilities in accepting public funds for training. These assurances are as found in the Nebraska Department of Labor's policy on On-the-Job Training and in attachment 3 of this policy.

Greater Lincoln's American Job Center and the Service Provider must collect performance information on providers of on-the-job training. At a minimum, this performance information should include:

- Data on placement of trainee at end of the contract
- Six-month employment retention rate
- Rate of successful completion of On-the-Job Training
- Average Wage of OJT Training Recipients and Wage after his/her training ends (increase or decrease)

The American Job Center/Service Provider will determine whether OJT providers meet acceptable performance levels for the above criteria. This determination will be in writing and contain back up documentation. If an OJT provider meets the performance criteria, it is considered an eligible provider of training services. The American Job Center/Service Provider will include the provider on a list of eligible OJT providers, with accompanying performance information, and disseminate this information through the American Job Center delivery system.

### **Monitoring and Oversight**

Sub-recipients (One stop operator; Service Provider) in Greater Lincoln must monitor training including participant progress, working conditions, compensation made and benefits provided to the participant, invoice and reimbursement systems on a pre-determined systematic and documented basis (not less than once a month). The employer must preserve all trainee payroll, fringe benefit, and personnel records (including time and attendance sheets normally kept by the employer for employees) for three years from the close of the applicable program year or longer if any litigation or audit has begun or any claim is instituted which involves these records.

In that case, the employer shall retain the records beyond the three year period until the litigation, audit findings or claim has been resolved. The employer must allow access to those records by authorized entities. Monitoring of OJT contracts must include review of selection patterns to ensure compliance with WIOA Section 188 regarding nondiscrimination.

The Board includes OJT contract monitoring as a part of its formal monitoring process of the One Stop Operator and Service Provider.

### ***Appeals and Grievances***

#### **(a) Denial of employer eligibility to provide OJT**

An employer that has been denied eligibility as an OJT provider may file a complaint through the local board's established grievance procedures.

An appeal may be made to the State according to the procedures described in the State's policy on grievances and complaints if the complainant:

- does not receive a determination on a complaint filed at the local level within sixty (60) calendar days of filing; or
- is dissatisfied with the local-level determination.

#### **(b) Displacement of regular employees and participants**

An OJT participant must not displace any current employee of the employer providing OJT. Displacement includes any partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits.

Regular employees and OJT participants alleging such a displacement may file a complaint through the local board's established grievance procedures.

An appeal may be made to the State according to the procedures described in the State's policy on grievances and complaints if the complainant:

- does not receive a determination on a complaint filed at the local level within sixty (60) calendar days of filing; or
- is dissatisfied with the local-level determination.

### **Definitions:**

**PURPOSE.** Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. The terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

1. eligible employed worker <sup>(SEP)</sup> An eligible employed worker means an individual that meets the eligibility criteria for enrollment in one (1) or more WIOA Title IB (Youth, Adult, or Dislocated Worker) programs.
2. on-the-job training (OJT) <sup>(SEP)</sup>

The term on-the-job training (OJT) means training provided by an employer to a participant who is paid while engaged in productive work in a job that:

- provides knowledge or skills essential to the full and adequate performance of the job;
- is made available through a program that provides reimbursement to the employer of up to seventy-five (75) percent of the participant's wage rate for the extraordinary costs of providing the training and additional supervision related to the training; and

- is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the participant's IEP, as appropriate.
3. pass-through entity <sup>(1)</sup><sub>(SEP)</sub>
- The term pass-through entity means a non-Federal entity, like a local board, that provides a subaward to a subrecipient, like an employer providing OJT, to carry out some or all of the activities permitted or required under a Federal program.
4. pre-apprenticeship program <sup>(1)</sup><sub>(SEP)</sub>

A pre-apprenticeship program is a program designed to prepare individuals to enter and succeed in a Registered Apprenticeship program. A pre-apprenticeship program should include the following elements:

- training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
- access to educational and career counseling and other supportive services, directly or indirectly;
- hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- opportunities to attain at least one (1) industry-recognized credential; and
- a partnership with one (1) or more Registered Apprenticeship programs that assist in placing individuals who complete the pre-apprenticeship program in a Registered Apprenticeship program.

5. Registered Apprenticeship program

A Registered Apprenticeship program is an apprenticeship program that is registered with the U.S. Department of Labor Office of Apprenticeship.

6. Service Provider

The contracted provider of the Workforce Innovation and Opportunity Act Title 1B services for the Greater Lincoln local area.

7. subaward

The term subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out some or all of the activities permitted or required under a Federal award received by the pass-through entity.

A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

8. subrecipient

The term subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out some or all of the activities permitted or required under a Federal program (e.g., WIOA Title IB Youth, Adult, and Dislocated Worker programs).

The term subrecipient also refers to any entity to which a local board provides a subaward for the administration of some or all of the requirements of the subaward provided to the local board by NDOL for administration of WIOA Title IB Youth, Adult, and Dislocated Worker activities.

The term subrecipient does not include an individual that is a participant in the program.

Attachments remain as is with the current policy with the exception of the Length

## Classroom Training and Individual Training Accounts

<b>Effective Date:</b>	<b>03-26-2019</b>
<b>Modified:</b>	
<b>Supersedes:</b>	<b>Policy 14: Individual Training Accounts (7-1-2017)</b>

**PURPOSE:** To provide the board's policy on occupational skills training and individual training accounts.

The Greater Lincoln Workforce Development Board's policy is to recognize that WIOA requires that all training services, with limited exceptions noted below, be provided through Individual Training Accounts (ITAs).

### Exceptions

Per Board policy, contracts for services may be used in place of ITAs when one or more of the following exceptions apply and consumer choice requirements have been fulfilled:

- Services provided are on-the-job training, customized training, incumbent worker training, or transitional employment
- The Board determines that there are an insufficient number of eligible training providers in the local area but this condition is viewed as unlikely to apply to Lincoln; if applicable, the Contracting with Training Providers for Training Services policy will apply.
- The Board determines that there is a training program of demonstrated effectiveness offered by a local community based organization or another private organization to serve individuals with barriers to employment: displaced homemakers; low income individuals; Indians, Alaska Natives, and Native Hawaiians; individuals with disabilities; older workers age 55 or over; ex-offenders; homeless; youth in or aged out of foster care; English language learners; individuals with low levels of literacy or are facing substantial cultural barriers; eligible migrant and seasonal farmworkers; single parents including single pregnant women; long-term unemployed and individuals with two years of exhausting lifetime eligibility under TANF.
- The Board's definition of demonstrated effectiveness will include criteria such as relative cost; financial stability of the organization; employer linkages; successful performance outcomes such as completion, employment and wage rates; employer recognized credentials; and training for in-demand occupations.
- The Board is negotiating a pay-for-performance contract consistent with WIOA requirements.
- The Board determines it would be most effective to contract with an institution of higher education or other eligible providers of training services to facilitate the training of multiple individuals in in-demand industries/occupations provided that consumer choice is not limited.

## **Funding**

ITAs are funded by WIOA Title I Adult and Dislocated Worker funds and may be funded with Youth funds for out-of-school youth age 16-24 when appropriate. Eligible individuals must receive ITAs through the one-stop delivery system. The maximum cost allowed by Board policy is \$7,000.00.

## **Eligibility**

ITAs are available for individuals whose eligibility has been determined and such individuals:

- Selected a program of training services that is directly linked to one or more in-demand occupations in the local area or planning region in another area to which the individual is willing to commute or relocate, maximizing consumer choice; and
- Are unable to obtain grant assistance from other sources to pay the costs of their training, including sources such as state-funded sources, or
- Require WIOA assistance beyond that available under grant assistance from other sources to pay the costs of such training, including Pell Grants, and
- Complete an assessment of their skills, abilities, aptitudes and support service needs, and
- Participate in developing their Individual Employment Plan/Individual Service Strategy, and
- Select training from the state's Eligible Training Provider list; and
- Select training for occupations in-demand in the local area or in an area in which they are willing to relocate.
- ITAs for out-of-school youth, ages 16-24 are allowable when appropriate to enhance individual participant choice in their education and training plans and provide flexibility to service providers.

If training services are provided under Adult funding, the participant needs to be determined eligible in regards to priority of service policies for Adults.

Case managers must determine, after an interview, skill assessment, and career planning, that the individual meets the criteria below in order to receive training services:

- Is unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone; or
- Is in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services alone; and
- Possesses the skills and qualifications to successfully participate in the selected program of training services.

## **Eligible Training Provider List-Selection**

Participants then may select a program from the ETPL in consultation with the case manager, which includes discussion of program quality and performance. Training services, whether accessed by ITAs or under contract, must be provided in a manner that maximizes informed consumer choice in selecting an eligible training provider in accordance with the goals and objectives outlined in the participant's IEP/ISS. Unless the program under which the participant is eligible has exhausted training funds for the program year, the individual must be referred to the selected provider and an ITA established. Documentation of this process is maintained in accordance with the Service Provider's operations manual, NDOL state policy, and NWorks and ECM requirements.

In general, providers on the ETPL are the ONLY entities eligible to receive funding through ITA's.

Nebraska's ETPL is accessible online at [NEworks.nebraska.gov](http://NEworks.nebraska.gov) under the Education Services menu-ETPL Approved Programs. The list is published quarterly by the Nebraska Department of Labor (NDOL). Training providers that would like to be included on the ETPL can learn more at [dol.nebraska.gov](http://dol.nebraska.gov) under Eligible Training Providers in the Workforce Innovation and Opportunity Act tab. ITAs must align with occupations classified as in-demand (H3, apprenticeship, or dynamic as defined by the Board) or be part of a career pathway as established in the IEP/ISS.

Board policy encourages co-enrollments and coordination of resources to the maximum extent possible. WIOA requires that training funds be coordinated with other grant sources for training such as the Federal Pell Grant Program. Program providers/operators must consider the availability of other sources of training grants such as Temporary Assistance for Needy Families (TANF), state-funded training funds, Federal Pell Grants so that WIOA funds supplement other sources of training grants. Program operators and training providers must coordinate available funds to pay for training and prevent duplication of payments. See Greater Lincoln's Coordination of Services and Supportive Services policy.

The exact mix of funds should be determined based on the availability of funding for either training costs or supportive services, with the goal of ensuring that the costs of the training program the participant selects are fully paid and that necessary supportive services are available so that the training can be completed successfully. This determination should focus on the needs of the participant and satisfy the following three conditions:

1. WIOA funds for training services are limited to instances when there is inadequate or no grant assistance from other sources;
2. duplicate payments of costs when an individual is eligible for both WIOA and other assistance including Pell Grants must be avoided; and
3. participation in a training program funded under WIOA may not be conditioned on applying for or using a loan to help finance training costs.

The Board requires the Service Provider/Operator for Greater Lincoln to maintain an Operations Manual outlining ITA processes and requirements, requiring that NEworks case notes document that training was coordinated and maximized with other grant sources. Veterans Administration benefits such as the GI Bill are not considered grant assistance for purposes of coordination with ITAs. The Service Provider will also ensure that WIOA programs adhere to the confidentiality requirements of the Family Educational Rights and Privacy Act (FERPA), established under Section 444 of the General Education Provisions Act, including requirements regarding circumstances requiring written consent for disclosure of personally identifiable information from an education record.

#### **Definitions:**

1. Community Based Organization: a private non-profit organization (which may include a faith based organization) that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.
2. Institution of higher education: an education institution in any state that:
  - a. Admits, as regular students, only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who have completed a secondary school education in a home school setting that is treated as a home school or private school under State law;
  - b. Is legally authorized within the state to provide a program of education beyond secondary education;



- c. Provides an educational program for which the institution awards a bachelor's degree or provides not less than a two-year program that is acceptable for full credit toward a bachelor's degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary of Education;
  - d. Is a public non-profit or other non-profit institution; and
  - e. Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status by such an agency or association that has been recognized by the Secretary of Education for the granting of pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.
3. Meaningful assistance: applies to individuals seeking assistance with filing a claim for unemployment compensation and means:
- a. Providing assistance on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
  - b. Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

### **Nondiscrimination**

All programs and activities funded or financially assisted in whole or in part under WIOA must comply with all laws on the prohibition against discrimination based on age, disability, or sex, or based on race, color, national origin, or political affiliation or belief.

### **Board Expectation**

The local board expects that the WIOA Title IB Provider and One Stop Operator will incorporate the requirements outlined in this policy into their written operations procedures.

## Eligible Training Providers

<b>Effective Date:</b>	<b>07-01-2017</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board accepts the NDOL Policy on Eligible Training Provider Initial and Continued Eligibility as its local policy and has established that use of ITA funds is limited to those providers and programs included on the ETPL. (See Policy 14- Individual Training Accounts) Policy 10 addresses Contracting with Training Providers for Training Services.

The NDOL Policy on Eligible Training Provider Initial and Continued Eligibility, Change 3, as accepted as the local policy by the board, can be found under "Policies" on the NDoL WIOA webpage at <http://dol.nebraska.gov/EmploymentAndTraining/WIOA/Policies?sideMenu=JobSeekerResources>.

It should be noted that local workforce boards are not eligible to serve as eligible training providers.

### *Roles and Responsibilities of Local Workforce Development Boards*

The board accepts its specific responsibilities as a local board and agrees to the following:

Local boards have statutory responsibilities related to Nebraska's ETP program and must:

- carry out ETP-related procedures and practices assigned by NDOL;
- work with NDOL to ensure sufficient numbers and types of providers serving the local area, including providers with expertise in serving individuals with disabilities and adults in need of education and literacy activities; and
- ensure the dissemination and appropriate use of the ETPL through the local one-stop delivery system.

In addition, local boards may:

- make recommendations to NDOL on the procedures used in determining eligibility;
- require additional criteria and information from providers and set higher levels of performance than those established by NDOL as criteria for local providers to become or remain eligible to receive local area ITA funds for the provision of training services.

## Coordination of Services & Supportive Services Policy

<b>Effective Date:</b>	8-28-2018
<b>Modified:</b>	03-26-2019 04-17-2020 amending Needs-Related Payments 04-29-2021 extension of Needs-Related Payments & \$4,000 SS limit for PY21
<b>Supersedes:</b>	Policy 20: Supportive Services (7-1-2017)

**Purpose:** This policy establishes procedures for the coordination of services and the provision of supportive services for the Adult, Dislocated Worker, and Youth programs.

### Coordination of Services

To maximize the use of the Workforce Innovation and Opportunity Act (WIOA) funds, participants must be unable to obtain grant assistance from other sources to pay the costs for training or supportive services or require WIOA assistance in addition to other sources of grant assistance. Potential sources for other funding may include state-funded sources, Pell Grants, or Trade Adjustment Assistance (TAA).

In addition, supportive services funds are provided only when necessary to enable the participant to take part in career services, training services, or youth employment and training activities.

For the Adult and Dislocated Worker programs, the WIOA Service Provider is responsible for:

- Coordinating the provision of services including career, training, and supportive services with One-Stop Partners (and other entities when appropriate);
- Identifying and tracking funding streams that pay the costs of services provided to co-enroll participants; and
- Ensuring no duplication of services across programs

### Occupational Skills Training

Adult, Dislocated Worker, and Youth programs must ensure that occupational skills training provided by eligible training providers is WIOA-funded only when assistance from other sources is not available through other agencies or programs. When WIOA funds supplement other sources of funding for training, the WIOA Service Provider must:

- along with training providers, coordinate funds made available for training;
- make funding arrangements with one-stop partners and other entities regarding participants who require assistance beyond that available under grant assistance from other sources; and
- consider the availability of other sources of grants to pay for training costs such as TANF, training funds available from the state, Pell Grants, and other funding sources.

### Pell Grants

In the event a program participant has been awarded a Pell Grant, the Pell Grant must be applied against the cost of occupational skills training and any education fees the training provider charges to attend training before WIOA funds are utilized. If the participant has been awarded Pell Grant assistance for education-related

expenses, the assistance must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

If a participant's application for Pell Grant assistance is pending, a participant may enroll in occupational skills training and WIOA funds may be used to pay the costs of training, including any education fees, while the application is processed, subject to the following three requirements.

1. The applicable program must arrange with the training provider and participant for allocation of the Pell Grant should it be subsequently awarded.
2. If the Pell Grant is subsequently awarded and:
  - a. does not cover the cost of occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program for WIOA funds paid to the training provider using the full amount disbursed for the Pell Grant award period; or
  - b. exceeds the cost of the occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program only for the amount paid to the training provider by the program, with the balance belonging solely to the participant.
3. Pell Grant assistance disbursed on the participant's behalf for education-related expenses belongs solely to the participant and must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

### **Supportive Services**

The Greater Lincoln Workforce Development Board has established a local policy for providing supportive services and identifying the requirements that the WIOA Service Provider must adhere to in providing such services to WIOA Title IB adults, dislocated workers, and youth. This policy is based on the following criteria:

- Supportive services may only be provided to participants who are unable to obtain the services through partner programs who provide such services.
- Supportive services may only be provided after it has been determined such services are necessary to enable the participant to participate in WIOA activities under career or training services, or youth employment and training activities.
- Supportive services may only be provided after it has been determined the participant is unable to obtain supportive services through other partner programs providing such services.

The provision of supportive services is one of fourteen program elements required by WIOA in order to support the attainment of a secondary school diploma or its recognized equivalent, entry into post-secondary education, and career readiness for youth participants.

The One Stop Operator and provider(s) are expected to have written operational procedures in place to comply with the board's policy on supportive services. Review of these written operational procedures are included in the board's formal monitoring process.

Note that supportive services may be provided during participation in the WIOA programs and during the full 12 months of follow up for youth services.

There must be a complete assessment of the participant's need for supportive services and documentation of the results of this assessment prior to the provision of supportive services. Staff must document the efforts

made to contact and coordinate with the available partners and, if applicable, the inability of such partners to provide the needed supportive service.

Once provision of such services begins, documentation of this provision must include vendor receipts, invoices, voucher, etc. Additionally, the participant and career planner/case manager must develop a plan on how the participant will support a part or all of the expense for supportive services issues once the initial assistance has been given.

Costs for supportive services must be allowable, reasonable, and necessary. Assistance for supportive services includes:

- Transportation
- Child Care and Dependent Care
- Housing and Utilities
- Medical services
- Protective and other clothing, eyewear, tools, or equipment required to participate in a training program, employment, or pre-employment activity.
- Education related books, supplies, and fees

Due to current economic conditions, the Board has decided to incorporate Needs Related Payments (NRPs) into the Supportive Service options for the current WIOA Program Year only. NRPs are a supportive service authorized under WIOA Sec. 134(d)(3) and 20 CFR 681.570 that provide financial assistance to Adult, Youth (ages 18-24), and Dislocated Worker participants. Participants must meet the applicable eligibility requirements described in subsections (1) or (2) below.

(1) **Adult and Youth eligibility:** Adults and Youth (18-24) must meet criteria 1 through 3 in order to receive NRPs:<sup>1</sup>

1. Be unemployed;
2. Not qualify for, or have ceased to qualify for, unemployment compensation; and
3. For Adults, be enrolled in a program of training services under WIOA sec. 134(c)(3). For Youth, be enrolled in WIOA Youth Services.

(2) **Dislocated worker eligibility:** Dislocated workers must meet criteria 1 or 2 in order to receive needs-related payments:<sup>2</sup>

1. Be unemployed and:
  - a. Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
  - b. Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13<sup>th</sup> week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the eighth week after the worker is informed that a short-term layoff will exceed six months;

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<sup>1</sup> 20 CR 680.940

<sup>2</sup> 20 CFR 680.950

2. Be unemployed and did not qualify for unemployment compensation or trade readjustment allowance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

For Dislocated Workers, the payments cannot exceed the greater of either of the following levels:

- applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; OR
- poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff, and the weekly payment level must be adjusted to reflect changes in total family income.

The maximum amount allowed, subject to the limitations set forth above, is \$850.00 per participant for no more than twice during the term of enrollment. The Coordination of Assistance Form must be completed to show that assistance is not otherwise available from other resources.

The Board has set a per participant limit of up to \$4,000 for all supportive services combined.

The Needs Related Payments provided for in this revised policy will expire once the current WIOA Program Year expires, which will take place on June 30, 2022. At that time, Needs Related Payments shall revert to \$0 and Total Supportive Services shall revert to \$3,500 unless the board re-authorizes Needs Related Payments and re-authorizes an increase in Total Supportive Services.

Below is a listing of supportive services:

Service	Limit
• Total Supportive Services	• \$4,000

**Categories**

Mileage Reimbursement	\$0.50/mile
Gas Card	N/A
Car Repair	N/A
Car Liability Insurance	N/A
Bus, Taxi, & Ride Share Fares	N/A
Housing & Utilities	N/A
Child Care (Title XX Preference)	N/A
Dependent Care	N/A
Health/Medical Services	N/A
Protective or other Clothing, Tools & Equipment	N/A
Education related application fees, testing, certifications, books, supplies, and other costs	N/A

Legal Aid

N/A

Needs Related Payments

\$850.00 per participant; no more than twice during enrollment

The board recognizes that some circumstances may warrant a need to exceed the total limit.

Such decisions are to be made on a case-by-case basis by the Service Provider Manager and documented in the participant's file to include information on the situation and reason for making an exception to exceed the limit.

## Youth Program Incentive Policy

<b>Effective Date:</b>	<b>05-08-2018</b>
<b>Modified:</b>	<b>04-17-2020 amended</b>
<b>Supersedes:</b>	

Only eligible Youth Program participants may receive monetary stipends as incentive for recognition and achievement directly tied to Individual activities, training activities, or work based learning. Incentives may be awarded for:

### Credential Attainment Incentive (Degree/Certificate/Diploma/GED)

The goal for this incentive is to encourage youth to obtain a WIOA-recognized credential. Participants are eligible to receive two incentive payments as follows.

**\$200** = First credential attained

**\$100** = Second Credential attained

The participant must produce a copy of a certificate of completion, diploma, or other related documentation.

Credential Incentive Limit: Greater Lincoln will only provide two Credential Attainment incentive payments per participant. If a participant achieves more than two credentials while enrolled in the WIOA program, they are only eligible to receive two Credential Incentive. Participants eligible for a credential incentive may not "double up" and receive a GPA incentive in the same term. The participant would be eligible for the GPA incentive in future terms if they have not already received the maximum of three GPA Incentives.

### GPA Incentive

The goal for this incentive is to encourage continued engagement and quality work throughout the participant's academic endeavors.

To be eligible to receive a GPA incentive, participants must participate in training with an Eligible Training Provider or approved institution for which they receive a Grade Point

Average (GPA).

Youth participating in training programs that do not earn a GPA are not eligible for this incentive. This includes Pass-Fail, Satisfactory-Unsatisfactory, etc., type programs of study.

The amount of the incentive will correspond to the cumulative GPA at the end of each term (quarterly, per semester, summer term, etc.) as follows, based on a 4.0 GPA system.

**\$25** = 2.5 *Final* GPA



**\$50** = 3.0 *Final* GPA

**\$75** = 3.5 *Final* GPA

**\$100** = 4.0 *Final* GPA

GPA Incentive Limit: Greater Lincoln will only provide three GPA Incentives per participant. If a participant participates in more than three programs that utilizes a GPA, they are only eligible to receive three GPA Incentives. Participants eligible for a credential incentive may not “double up” and receive a GPA incentive in the same term. The participant would be eligible for the GPA incentive in future terms if they have not already received the maximum of three GPA Incentives.

### **Work Based Learning (WBL) Incentive**

The goal for this incentive is to encourage participants to successfully complete the actual number of WBL contracted hours.

\$200 will be paid for the successful completion of the WBL as outlined in the ISS. The participant must produce a signed and dated letter of reference from the supervisor/worksites stating that the participant met all required attendance, work duties, and professional conduct standards.

The letter must be on company letterhead and include the following information:

- Where the job was performed,
- Supervisor's name and signature,
- Employee's name and signature, and
- The date-range the work occurred.

Work Based Learning Incentive Limit: Greater Lincoln will only provide one WBL incentive per participant.

### **Please note:**

With three categories of incentive awards available, if eligible, participants may receive any combination of incentive awards up to each category maximum.

**All incentives must be outlined in the Individual Service Strategy before approval of any incentive payment.**

## Rapid Response Policy

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	<b>10-29-2020</b>
<b>Supersedes:</b>	

**Purpose:** Provide the Greater Lincoln Board's policy on Rapid Response procedures.

The Greater Lincoln Workforce Development Board recognizes that Rapid Response is a required activity under the Workforce Innovation and Opportunity Act (WIOA) and is carried out by the Nebraska Department of Labor (NDOL) in conjunction with the Greater Lincoln Board, the Mayor of Lincoln as Chief Elected Official, and other stakeholders. Rapid Response activities in Greater Lincoln are intended to shorten the time between worker dislocation and re-employment by developing local strategies necessary to:

- develop layoff aversion strategies,
- plan for and quickly respond to business closures, layoffs, and mass job dislocation resulting from natural or other disasters,
- deliver services to assist workers to transition to new employment, and
- address the needs of businesses in transition to prevent or minimize the duration of unemployment

Rapid Response services through NDOL are delivered when one or more of the following circumstances occur:

- announcement or notification of a permanent closure, regardless of the number of workers affected;
- announcement or notification of a mass layoff (layoff affects 50 or more workers or when a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff);
- a mass job dislocation resulting from a natural or other disaster; or
- the filing of a Trade Adjustment Assistance (TAA) petition.

Delivery of Rapid Response services must be carried out in accordance with the NDOL's WIOA Rapid Response (RR) Procedures Manual. This requirement applies to Rapid Response unit staff, Title I and Title III programs, including their service provider staff and the TAA program and its staff.

Service Provider Responsibilities:

- Per the RR Procedures Manual, the NDOL RR Workforce Coordinator is "not responsible for any one on one services provided to affected employees". The RR team will focus on the employer. Therefore, it will be the local area Service Provider's responsibility to reach out and provide individualized career and training services to these potential Dislocated Workers (DWs).
- Local area staff must notify the RR team when they learn of potential layoffs, closures or disaster-impacted companies. Information is to be sent via the RR email address:  
[NDOL.RapidResponse@Nebraska.gov](mailto:NDOL.RapidResponse@Nebraska.gov)
- Respond to emails from the RR team within one (1) working day regarding layoffs and take appropriate follow-up action on any employee lists that are sent to them. Local area staff should send an email to the RR team to verify receipt of any sign-in sheets and assistance surveys. Ensure that the RR team is kept apprised of who is the contact for the Service Provider.
- Notices from the RR team will go to the Lincoln Equus WIOA Title I services at  
[LNWIOA@equusworks.com](mailto:LNWIOA@equusworks.com). This mailbox must be checked daily for any notifications and referrals.
- Follow up is required within 24 hours of receipt for DW referrals from the RR team. A log must be kept with the result of the referral via NEworks as successful or unsuccessful and record

appropriately in case notes on the referral follow-up whether contact was made or not. Initial contact must be made via phone call. Email is to be used as a secondary form of contact unless the customer requests otherwise.

- When the customer is contacted and the referral addressed, the referral must be resulted as successful in NEworks. If the customer cannot be reached after a minimum of three contact attempts, the referral can be resulted as unsuccessful in NEworks.
- Participate in RR events as much as possible and provide information on the American Job Center (AJC) and WIOA services. Assistance with NEworks applications and initial intake for WIOA may also take place. Ensure that contact information is provided for employees who wish to follow up on services.
- Use the RR Service Plan as a resource in strategizing and planning for additional services for affected employees in the area. If additional services are planned (ex. Job fair or workshop), local area staff must notify the RR team.
- Services for DWs will be driven by local area staff.

Should the Greater Lincoln area experience layoffs, disasters or other events leading to substantial increases in unemployment and adequate local funds are not available to assist the workers, a "Request for Additional Assistance" may be submitted to the Nebraska Department of Labor. The funds requested must be used for provision of direct career and training services to the affected workers.

## American Job Center Certification Policy

<b>Effective Date:</b>	<b>4-17-2020</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board (GLWDB) will assess the effectiveness, physical and programmatic accessibility, and continuous improvement of its local one-stop delivery system at least once every three years. As part of that assessment, the GLWDB will certify at least one comprehensive one-stop center. In addition, should the board designate a one-stop partner site as an affiliate site, the board will certify that site.

The GLWDB has developed a policy and process for its assessment of the Greater Lincoln one-stop delivery system and certification of one-stop center(s) in compliance with state requirements established by policy of the Nebraska Department of Labor and requirements of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations and guidance.

### Criteria for assessment includes:

#### [Effectiveness](#)

#### [Physical and programmatic accessibility](#)

#### [Continuous improvement](#)

#### [Additional local assessment criteria](#)

### ***Effectiveness***

The GLWDB's assessment of the effectiveness of the local one stop delivery system and centers includes how well they:

- Integrate available services for job seekers and employers,
- Meet the workforce development needs of job seekers and employment needs of local employers
- Operate in a cost-efficient manner
- Coordinate services among the partner programs, and
- Provide access to one-stop partner program services to the maximum extent practicable, including providing services outside of regular business hours where there is a workforce need as identified by the GLWDB

GLWDB policy also requires assessment of feedback from the one-stop customers.

### ***Physical and programmatic accessibility***

The GLWDB's assessment of the physical and programmatic accessibility of the Greater Lincoln one-stop delivery system and one-stop center(s) includes how well the system and centers take actions to comply with the requirements established in WIOA Sec. 188 and its implementing rule, 29 CFR Part 38, regarding equal opportunity and non-discrimination. All centers must comply with the physical and programmatic accessibility requirements.

Actions must include:

- providing reasonable accommodations for persons with disabilities;
- making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
- administering programs in the most appropriate integrated setting;
- communicating with persons with disabilities as effectively as with others;
- providing appropriate auxiliary aids and services, including assistive technology devices and services when necessary, to afford persons with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity;
- providing physical accessibility for persons with disabilities; and
- utilizing the common identifier (American Job Center or a proud partner of the American Job Center network) on all:
  - a. products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system; and
  - b. exterior branding, including signage.

### ***Continuous Improvement***

The GLWDB's assessment of continuous improvement includes how well the system and center(s) support the achievement of the negotiated local levels of performance for the indicators as described in WIOA Sec. 116(b)(2) and 20 CFR § 677.205. The GLWDB also assesses achievement of negotiated regional levels of performance as applicable.

Continuous improvement factors in Greater Lincoln also include assessment of a regular system of continuing professional staff development and assessment of the systems in place to capture and respond to specific customer feedback.

### ***Local Criteria***

This policy serves as the local criteria for certification. The GLWDB recognizes that it may elect to establish additional criteria or set higher standards for service coordination than those established in this policy. If such additional criteria are established, the GLWDB will comply with the requirement to review and update the criteria every two years as part of its regional and local plan development process.

### ***Procedures for Assessment and Certification***

The GLWDB's methods for (a) assessment of the Greater Lincoln one-stop delivery system and one-stop center(s) and (b) certification of one-stop center(s) have been established in writing prior to commencement of the assessment and certification process.

The Chairperson of the GLWDB will appoint a Certification Review Team (CRT). The CRT will be chaired by a Board member and will include, at a minimum, Board members representing the core partners. The CRT may include other individuals at the Chairperson's discretion.

The CRT will conduct an on-site assessment using information provided by the One Stop Operator, one stop staff, partner staff, and Board staff. The CRT will also take a tour of the One Stop including the Resource Room and any other service sites.

Interviews with staff are conducted to determine the knowledge base of all WIOA core partner programs and services, state and local policies and procedures, contributions to performance outcomes, and awareness of accessibility requirements and the availability of adaptive technologies. The on-site visit also includes a review of customer satisfaction survey data and completion of the One Stop Certification Form.

The Certification Team will determine if the Center has sufficiently met the certification criteria. The team will utilize the One Stop Certification Form to document findings and to provide a recommendation to the GLWDB. The certification form requires the signature of the CRT Chairperson and members of the CRT. Written recommendations are requested to be submitted to the GLWDB within 30 days of completion of the review.

The GLWDB may fully certify, conditionally certify or deny certification. Should the GLWDB receive and accept a CRT certification recommendation of Partially Met or Did Not Meet, a Corrective Action Plan from the One Stop Operator is required within 30 days from the GLWDB's written notification to the Operator.

The GLWDB will notify the Nebraska Department of Labor (NDOL) of the outcomes of the assessments of the system and center(s) and certification of center(s). The notification must be made by email submitted to [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov)

This notification will include a clear and descriptive written analysis of the system's and centers' compliance with the criteria established and will identify all certified one-stop centers in Greater Lincoln including affiliate sites, and provide, for each center, the physical address, phone number, website address, and contact information for the one-stop operator.

The GLWDB will complete the assessment and certification process once every three years and will certify at least one comprehensive one-stop center at least once every three years. The GLWDB recognizes the requirement that the notification described above must be submitted to NDOL no later than June 1 of the applicable year.

## Monitoring Policy

<b>Effective Date:</b>	<b>8-28-2019</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board (Board) conducts monitoring activities in compliance with the Uniform Guidance 2 CFR Parts 200 and 2900; the Workforce Innovation and Opportunity Act (WIOA); WIOA Final Rules; Nebraska Department of Labor (NDOL) WIOA Policies and Issuances; and the Nebraska Department of Labor Monitor Manual.

The Board conducts monthly oversight of WIOA Adult, Dislocated Worker and Youth service delivery activities and monthly oversight of the One Stop Operator and AJC functions. This monthly oversight includes but is not limited to review of expenditures, obligations, enrollments, and performance.

Monitoring activities of the Board are in addition to the monthly oversight performed. The Board accepts its responsibilities to conduct monitoring; to select qualified sub-recipients; to ensure accurate financial and performance reporting; and to ensure compliance with all grant and sub-award terms and conditions.

The Board conducts monitoring in order to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act and the regulations in this part;
- Determine whether there is compliance with other provisions of the Act and the regulations and other applicable laws and regulations;
- Assure compliance with 2 CFR part 200; and
- Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of WIOA Section 188;
- Take timely corrective actions and identify technical assistance and training needs; and
- Attain performance and financial goals

The Board is committed to conducting monitoring activities as follows:

- Pre-Award review to identify requirements and methods to conduct a risk assessment and select sub-recipients,
- Post-Award oversight to conduct desk-top and on-site monitoring and issue reports on monitoring findings, along with identifying best practices for continuous improvement, and
- Post-Award resolution to define management decisions and identify remedies for resolving findings and assuring that the delivery of employment and training services is working well and meeting the needs of different groups of customers.

The Board recognizes the consequences of ineffective monitoring and that failure to monitor can leave the program open to unallowable activities and costs. To this end, the Board is committed to identify and maintain the resources necessary to fulfill its monitoring responsibilities. These essential resources include:

- Operational procedures as outlined in the Board's Monitoring Plan & Procedures and Monitoring Guide,
- Guides and formats found in federal and state tools, and
- Knowledgeable staff with training on monitoring and report writing.



## **Monitoring Plan & Procedures**

The Greater Lincoln (GL) Workforce Development Board (Board) conducts monitoring to ensure that funds are used for authorized purposes, in compliance with Federal statutes and regulations, State policies, and the terms and conditions of the sub-award, and to ensure that performance goals are met. Monitoring serves to identify trends, assess progress in achieving goals, predict progress and uncover problems.

Monitoring methods may be desk-top, on-site or both. Desk-top monitoring may be an alternative to, preparation for, or supplemental to on-site monitoring. On-site monitoring incorporates interviewing of staff, open-ended questions, and sampling of transactions with a view of source documents. Each Program Year, the Board will provide a schedule of monitoring activities to NDOL and will post the schedule on its web page.

The Workforce Administrator for the Board is responsible for managing the monitoring activities in collaboration with the Board's Compliance and Accountability Committee. The Compliance and Accountability Committee is appointed by the Chairperson of the Board. The committee is chaired by a Board member and includes non-Board members with expertise and interest in the work of the committee.— As appropriate, other individuals may participate in monitoring activities including Board members, Board committee members, individuals contracted under professional service agreements, and local, state, and regional representatives with subject matter expertise.

Functions to be monitored by the Board at a minimum of one time per Program Year include:

- One Stop System Operator fiscal and program performance per award agreement, including pre-award selection process
- WIOA Youth Provider fiscal and program performance per award agreement, including pre-award selection process
- Adult & Dislocated Worker fiscal and program performance per award agreement, including pre-award selection process
- Administrative functions regarding property management, grievance procedures and Equal Opportunity (EO)/non-discrimination

Included in these functions are review of accessibility requirements as well as service to priority populations and priority of service. Each function will have its own written procedures, which will include regulatory references, scope, methods of review, frequency, interview questions, and data to be collected through summary and source documents. These are to be outlined in the GL Monitoring Guide.

Written notification of monitor reviews will be issued to that function's provider seven or more calendar days before each review. The Workforce Administrator and the Compliance and Accountability Team Committee will make an effort to accommodate the provider's schedule when possible.

Once all information has been collected and a written monitor report received to the satisfaction of the Workforce Administrator, the Compliance and Accountability Committee will review the report and notify the Board of their recommendations within thirty calendar days.

Findings that require corrective action will be referred to the Board's Executive Committee and the Service Provider or other appropriate entity must respond with a detailed corrective action plan to the Executive Committee within thirty calendar days of the notice of findings. A written progress report is required from the provider every thirty-calendar days until the corrective action has been accomplished.

Should the Board's Executive Committee and the Service Provider or other identified entity fail to reach a resolution, the matter will be referred to the local area's Chief Elected Official.



## Equal Opportunity-Non-discrimination and Complaints/Grievances of a Non-discriminatory Nature Policy

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	<b>10-29-20</b>
<b>Supersedes:</b>	

### Reference

This policy combines the previous Equal Opportunity and Non-Discriminatory Policy with the Complaints and Grievances of a Non-discriminatory Nature policy. References used are the Workforce Innovation and Opportunity Act, Section 188; Workforce Innovation and Opportunity Act - Notice of Proposed Rulemaking, 20 CFR § 683.285; 29 CFR 38; 28 CFR 35; TEGL 37-14.

### Background

Recipients are obligated to ensure nondiscrimination and equal opportunity, as well as nonparticipation in sectarian activities. A recipient is any entity that receives financial assistance under Title I of WIOA including State and Local Workforce Development Boards, One-Stop operators, service providers, Job Corps contractors, and sub-recipients, as well as other types of individuals and entities.

### Policy

The Workforce Innovation and Opportunity Act (WIOA) prohibits discrimination on the basis of race, color, national origin, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), age, disability, religion, political affiliation or belief, participant status, against certain noncitizens, sex-based stereotypes (including stereotypes about how persons of a particular sex are expected to look, speak, or act). This includes:

#### Prohibition on Discrimination regarding Participation, Benefits, and Employment

No individual is to be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

#### Prohibition Involving Facilities for Sectarian Instruction or Religious Worship

Participants shall not be employed under WIOA Title I to carry out the construction, operation, or maintenance of any part of any facility that is used or is to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to WIOA participants).

### **Prohibition on Discrimination on Basis of Participant Status**

No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIOA Title I with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

### **Prohibition on Discrimination against Certain Noncitizens**

Participation in programs and activities or receiving funds under WIOA Title I shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

### **Verification of Lawful Presence**

Each agency responsible for determining eligibility for WIOA benefits in Nebraska is required to:

1. Have each applicant for WIOA services attest that he or she is a U.S. citizen or a qualified alien. This must be done using the format prescribed by the Nebraska Department of Administrative Services (DAS).
  - a. If in the above Step 1, the applicant indicates he or she is an alien, then complete Step 2 as follows:
2. Verify his or her lawful presence in the United States using the SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security.

### **Prohibition on Discrimination on the Basis of Disability**

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. For the purpose of applying these prohibitions against discrimination on the basis of disability, programs and activities funded or otherwise financially assisted in whole or in part under WIOA are considered to be programs and activities receiving Federal financial assistance. A recipient is obligated to provide physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIOA program, as required by section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and Section 188 of WIOA. Financial assistance provided under Title I of WIOA may be used to meet this obligation.

### **Prohibition on Sex Discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) Individuals**

Entities in the public workforce systems are prohibited from discriminating on the basis of sex-based stereotypes, including stereotypes about how persons of a particular sex are expected to look, speak, or act. See TEGL 37-14, Attachment 2 for a non-exhaustive list of examples of unlawful discrimination against LGBTQ individuals.

### **Prohibition on Intimidation and Retaliation**

Neither the recipient nor the Service Provider may discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has, with regard to the requirements and obligations of WIOA sec. 188 or 29 CFR part 38:

- Filed a complaint alleging a violation;
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions; or
- Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
  - Administration of the nondiscrimination and equal opportunity provisions;
  - Exercise of authority under those provisions;
  - Exercise of privilege secured by those provisions; or
  - Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions.

### **Equal Opportunity Officer**

Every recipient must designate an Equal Opportunity Officer (EO Officer), except small recipients and service providers. A small recipient is defined as serving fewer than 15 beneficiaries during the entire grant year and employing fewer than 15 employees on any given day during the grant year.]

The EO Officer should be a senior level employee of the recipient. He or she must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer.

The City of Lincoln is the WIOA Title I Grant Recipient Agency. The Director of Equity and Diversity and the City Ombudsman/LGBT liaison will collectively serve as the EO Officer for issues related to the grant. For contact information, the EO Officer may be contacted at:

**Employees, Applicants for Employment:**

Attention: Mindy Rush Chipman, Equity and Diversity Officer  
555 S. 10<sup>th</sup> Street, #304, Lincoln, NE 68508  
Phone: (402) 441-8691

**Program Participants, Applicants for Assistance:**

Attention: Lin Quenzer, Ombudsman, Title VI/ADA Official  
555 S 10th Street, #301, Lincoln, NE 68508  
Phone: (402) 441-7511

The EO Officer is responsible for:

- Serving as the recipient's liaison with Civil Rights Center (CRC);
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I funds from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure that those procedures are followed;
- Undergoing training (at the recipient's expense) to maintain competency; and
- If applicable, overseeing the development and implementation of the recipient's Methods of Administration (MOA).

## **Notice and Communication**

Each recipient must provide initial and continuing notice that it does not discriminate on any prohibited grounds. The notice must be provided to: registrants, applicants, participants, applicants for employment and employees, unions or professional organizations that hold collective bargaining or professional agreements with the recipient, sub-recipients that receive Title I funds from the recipient, and members of the public, including those with impaired vision or hearing. The recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

The specific wording in the notice is identified in 29 CFR § 38.30 and in Attachment A.

At a minimum, the notice must be:

- Posted prominently, in reasonable numbers and places;
- Disseminated in internal memoranda and other written or electronic communications;
- Included in handbooks or manuals; and
- Made available to each participant, and made part of each participant's file.

The notice must be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format, a record that such notice has been given must be made a part of the participant's file. All brochures, pamphlets, and other publications which promote or broadcast WIOA program information must include the following tag line: "This WIOA Title I-financially assisted program/activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities." Where a telephone number is provided, the materials must also include a TDD/TTY or relay service number.

Where a significant number or proportion of the population eligible to be served may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity, then the recipient must:

- Consider the scope of the program/activity and the size and concentration of the population that needs services or information in a language other than English, and
- Based on those considerations, take reasonable steps to provide services and information in appropriate languages.

In cases where there is not a significant proportion of the population that is limited-English-speaking, the recipient should still make reasonable efforts to meet the particularized language needs of individuals seeking services or information from the recipient. For more information, please see the NDOL Office of Employment and Training's Limited English Proficiency Plan, which is available at [dol.nebraska.gov](http://dol.nebraska.gov).

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity, a recipient must furnish (at no cost to the individual) appropriate auxiliary aids or services where necessary. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice of the individual with a disability unless the agency can demonstrate that another effective means of communication exists, or that using the means chosen would result in a fundamental alteration in the service, program, or activity, or undue financial and administrative burdens.

## **Assurances**

Each application for financial assistance under Title I of WIOA must include the following assurance:



As a condition to the award of financial assistance from the United States Department of Labor (USDOL) under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- The Equal Pay Act of 1963, as amended;
- Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin in programs or activities that receive federal financial assistance;
- Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination on the bases of race, color and national origin;
- Section 503 and 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Americans with Disabilities Act, as amended, which prohibits discrimination on the basis of disability;
- The Age Discrimination Act of 1967, as amended, which prohibits discrimination on the basis of age;
- The anti-discrimination provision of the Immigration and Nationality Act of 1965, as amended;
- Executive Order 11246 (c. 1965), as amended, pertaining to equal employment opportunity regarding Federal contractors and Federally-assisted construction contractors and subcontractors;
- The affirmative action, provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended;
- Executive Order 13160 (c. 2000) pertaining to nondiscrimination and parents in Federally conducted education and training programs; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of the WIOA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between USDOL and the recipient, between the U.S. Department of Labor and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

## **Orientations**

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, a recipient must include a discussion of rights under the



nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or Civil Rights Center Director.

A hard copy of "Equal Opportunity is the Law" should be provided and signed by all participants and employees and retained on file. An example form is provided in Attachment A.

### **Universal Access**

Recipients must take appropriate steps to ensure that they are providing universal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals in differing age groups. Such efforts may include, but are not limited to:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

### **Reasonable Accommodations**

With regard to aid, benefits, services, training, and employment, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. A recipient must not, directly or through contractual, licensing, or other arrangements, refuse to accommodate an individual's religious practices or beliefs unless to do so would result in undue hardship. Definitions of the terms "reasonable accommodation" and "undue hardship" are specified in 29 CFR § 38.4.

### **Complaints**

Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA or the regulations implementing the nondiscrimination provisions may file a written complaint, either by him/herself or through a representative. The complainant may file with either the recipient's Equal Opportunity Officer or to:

**Director**  
**Civil Rights Center**  
**U.S. Department of Labor**  
Room N4123  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the CRC Director may extend the filing time.

Each complaint must be filed in writing, and must contain the following:

- Complainant's name and address (or another means of contacting the complainant);
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

- A description of the complainant's allegations. This description must include enough detail to allow the CRC Director or the recipient, as applicable, to decide who has jurisdiction over the complaint, whether the complaint was filed on time, and the merit of the complaint (whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or the regulations); and
- The complainant's signature or the signature of the complainant's authorized representative.

If a complaint is filed with the recipient, the complainant must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC). If the recipient does not give the complainant a written Notice of Final Action within 90 days of the day the complaint was filed, the complainant does not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, the CRC complaint must be filed within 30 days of the 90-day deadline (in other words, within 120 days after the day on which the complainant filed the complaint with the recipient). If the recipient does give the complainant a written Notice of Final Action on the complaint, but the complainant is dissatisfied with the decision or resolution, the complainant may file a complaint with CRC. The complainant must file the CRC complaint within 30 days of the date on which he/she received the Notice of Final Action.

### **Recipient's Discrimination Complaint Processing Procedures**

The recipient will issue a written Notice of Final Action on discrimination complaints within 90 days of the date on which the complaint is filed.

- An initial, written notice must be provided to the complainant that contains an acknowledgment that the recipient has received the complaint and notice that the complainant has the right to be represented in the complaint process.
- A written statement of the issue(s), provided to the complainant, will include the following information - a list of the issues raised in the complaint, and for each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection. If a recipient determines that it does not have jurisdiction over a complaint, it will notify the complainant in writing, immediately. This Notice of Lack of Jurisdiction must include a statement of the reasons for that determination and notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice. The recipient may want to correspond through certified mail in order to verify date of receipt.
- A period for fact-finding or investigation of the circumstances underlying the complaint.
- A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint will include alternative dispute resolution (ADR). The ADR procedures provide that the choice on whether to use ADR or the customary process rests with the complainant. The procedures allow for a party to any agreement reached under ADR to file a complaint with the CRC Director in the event the agreement is breached. If that happens, then the non-breaching party may file a complaint with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach and the CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with CRC based upon his/her original allegation(s), and the CRC Director will waive the time deadline for filing such a complaint. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director.
- A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed. The Notice of Final Action will contain for each issue raised, a statement of either the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue. In addition, it will include notice that the

complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if he or she is dissatisfied with the recipient's final action on the complaint.

Where state or local laws explicitly bar discrimination based on gender identity and/or sex stereotyping, EO officers should advise participants and employees that additional state and local laws may also cover their claims, and how to file a complaint.

### **Failure to Comply**

Whenever the United States Secretary of Labor finds that a State or other recipient of funds under WIOA Title I has failed to comply with this provision of the law, the Secretary shall notify such State or recipient and shall request that compliance takes place. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may:

- Refer the matter to the United States Attorney General with a recommendation that an appropriate civil action be instituted; or
- Take such other action as may be provided by law.

Once a referral is received or if the United States Attorney General has reason to believe that a State or other recipient of WIOA Title I funds is engaged in a pattern or practice of discrimination, the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

### **Data and Information Collection and Maintenance**

Each recipient must collect and maintain records to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of the WIOA.

Records must be collected and maintained on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status of the specified groups. These records must be maintained for a period of not less than three years from the close of the applicable program year.

The information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting, determining eligibility for WIOA Title I-financially assisted programs/activities, or other uses authorized by law. The Greater Lincoln WIOA programs will use the Nebraska Department of Labor's NWorks and ECM systems for this documentation.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, will be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files as designated in ECM, apart from any other information about the individual, and treated as confidential.

Each recipient must maintain, and submit upon request of the State EO Officer or the Civil Rights Center, a log of complaints that allege discrimination. The log must include the name and address of the complainant, the status of the complainant (i.e., employee, WIOA participant, applicant, etc.), the grounds for the complaint, a description of the complaint, the date the complaint was filed, the disposition and date of disposition of the complaint, and whether or not the complaint utilized an alternative dispute resolution (ADR) process. The USDOL Civil Rights Center requires that all Discrimination Complaint Logs are submitted utilizing the electronic format they have established. The State Equal Opportunity Officer shall provide this electronic form on request. Records regarding complaints and actions taken on the complaints must be maintained for a period of not less than three years from the date of resolution of the complaint. The log will be maintained by the Greater Lincoln One Stop Operator.

When any administrative enforcement action or lawsuit is filed against a grant applicant and recipient alleging discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity, the grant applicant and recipient must promptly notify the Director of the Civil Rights Center. This notification must include: the names of the parties to the action or lawsuit; the forum in which each case was filed; and the relevant case numbers.

## **Local Area Complaints and Grievances of a Non-discriminatory Nature**

### ***Purpose***

The following procedure describes the process by which participants and other interested parties may file a grievance of a non-discriminatory nature or non-criminal complaint alleging a violation of the requirements under Title I of the Workforce Innovation and Opportunity Act, a violation of WIOA regulations or agreements under the Act, violations of the labor standards provisions at Section 181 (b) and violations of relocation provisions in Section 181 (d). These procedures have been established in conformance with Sections 181(c) of the Workforce Innovation and Opportunity Act. To get a copy of the Act, refer to the U.S. Department of Labor website at <https://www.doleta.gov/wioa/>. The grievance procedure applicable to Job Corps is set forth at 20 CFR 686.960 and 686.95.

The prohibitions and protections listed at the beginning of this policy apply to complaints and grievances of a non-discriminatory nature also.

### ***Who May File***

A complaint may be filed by any person or organization affected by the local Workforce Development System, including but not limited to program participants, contractors, WIOA staff, local area staff, one stop partners, service providers, One Stop Partner staff, applicants for program participation, labor unions, and community based organizations.

### ***Filing Deadline***

Non-criminal complaints and grievances of a nondiscriminatory nature should be filed as soon as possible and shall be filed within 180 days of the alleged occurrence.

### ***How to File a Complaint***

Complaints shall be submitted in writing and contain the following:

- A. Full name, legal address, phone number of the complainant, and email address if available.
- B. Full name, address of the person or entity against whom the complaint is made.
- C. A clear statement of the facts and date(s) of the alleged violation.
- D. If known, the specific areas of Title I WIOA, its regulations, or other terms or conditions believed to have been violated.
- E. A statement as to whether or not the complaint has been filed anywhere else.
- F. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative.
- G. Must state the relief or remedial action sought.

- H. Copies of documents supporting or referred to in the complaint must be attached to the complaint.
- I. The complaint must be signed and dated by the complainant.
- J. The written complaint is to be given to the One-Stop Operator of the Lincoln American Job Center or mailed to the: Greater Lincoln American Job Center, 1111 O Street, Suite 205, Lincoln, NE 68508, Attention One Stop Operator.
- K. If the complainant is unable to provide a written statement, an alternative method of obtaining written documentation from the complainant shall be pursued, which may include assistance by agency staff or the local service provider.

***Where to get a Complaint Procedure/Form***

Procedures and forms are available upon request at the Lincoln American Job Center located at 1111 O Street in the SCC Education Square Building or the City of Lincoln's Workforce Administrator located at 555 South 10<sup>th</sup> Street, Room 361, Nebraska 68508. Any entity which is awarded Title I funds will provide and publish information on the complaint procedure and have forms available to participants upon request. WIOA case managers are required to explain the process to clients during the initial assessment process and make available a copy of this policy.

***Resolving a Complaint***

- A. Complainants are encouraged to resolve complaints through informal discussion. If there is a mutually satisfactory resolution from the informal discussion, the One Stop Operator should include documentation in the file and in the complaint log stating the issues and the resolution. The matter would then be considered closed.
- B. If the complaint is not resolved through informal discussion, the complainant can choose to formally file a written complaint with the One Stop Operator.
- C. The One Stop Operator will formally acknowledge its receipt of a complaint within 5 days of receipt by a written acknowledgment. The acknowledgment will be sent to the complainant's last known address on record.
- D. Within 14 days of receiving a complaint, the One Stop Operator will issue and send its initial determination to the complainant's last known address of record. The initial determination shall be construed as an informal resolution and will include:
  - i. Statement of complainant's issues.
  - ii. The One Stop Operator's determination.
  - iii. Reasons for the determination.
  - iv. An offer to accept the determination in writing.
- E. If the determination is not accepted, a hearing may be requested by the complainant. The written request for a hearing must be made in writing by the complainant to the One Stop Operator and received by the One Stop Operator within 5 days of the complainant's receipt of the initial determination decision.
- F. Upon receipt of request for a hearing, the One Stop Operator will arrange it to be heard by a Hearing Committee of the Greater Lincoln Workforce Development Board designated by the Chairperson (hereinafter referred to as Committee) or by a hearing officer as designated by the Committee. The Committee shall have a minimum of 3 members for the hearing.
- G. The hearing will be arranged within 5 days from the date of receiving the request for a hearing.

- H. The complainant will be sent a written notice within 3 days after arranging a date that a hearing has been arranged and provide the location, date, and time of the hearing.
- I. The notice will include:
  - i. Identity of Committee or hearing officer as designated by the committee.
  - ii. Date, time and place that the hearing will be held.
  - iii. Opportunity for the complainant to withdraw the request for a hearing. The request must be received in writing before the date of the hearing and must include a signed statement that the resolution is satisfactory.
  - iv. The opportunity to bring witnesses or documentary evidence.
  - v. The opportunity to be represented by an attorney or other representative chosen by the complainant.
  - vi. The opportunity to have relevant records and/or other documents surrendered for the hearing.
  - vii. The opportunity to question any witnesses.
- J. The hearing will be conducted within 25 days of receiving the request for a hearing. The hearing will be held informally; meaning that formal and/or technical rules of evidence do not apply. Opportunity shall be afforded all parties to present evidence or testimony bearing on the nature of the complaint.
- K. The Committee's decision will be given in writing to the complainant and One Stop Operator within 60 days of the date the formal complaint was received by the One Stop Operator. The decision will include:
  - i. Statement of issues.
  - ii. Committee's decision.
  - iii. Reason(s) for the decision.
  - iv. Recommended action(s).
- L. The One Stop Operator will review and respond in writing to the Committee's decision within 5 days after receiving the decision and provide a copy to complainant. The One Stop Operator's written response to the recommended action will include:
  - i. Summary of facts and findings.
  - ii. One Stop Operator response.
  - iii. Reason(s) for the response.
  - iv. Action(s) to be taken.
- M. The parties have a right to appeal. The process to appeal is outlined in the Greater Lincoln Appeals Policy.

### ***Access to Complaint Procedures***

The Lincoln American Job Center will make reasonable efforts as provided for in 29 CFR 37.35 to assure that information on the complaint procedure and complaint forms will be understood by individuals, including youth, and limited English speaking participants, in order to meet their language needs and be effectively informed.

### ***Arbitration***



If an individual alleges a labor standard violation, such violation may be submitted to a binding arbitration procedure if such individual's collective bargaining agreement covering the parties to the grievance provides for an arbitration procedure.

***Complaint Documentation***

Complaint records must be retained by the One Stop Operator for a minimum of three years following resolution of the complaint. The One Stop Operator will maintain a Complaint Log that records all complaints, oral and written, and will provide this log upon request to the Greater Lincoln Workforce Development Board and to the State Program Monitor.

***Submittal to NE Department of Labor***

Statewide Workforce Investment System Grievance or Complaint Review Process: Grievances and complaints from participants and other interested parties affected by Statewide Workforce Investment programs may be submitted to the State at:

Nebraska Department of Labor  
Office of Employment and Training  
550 South 16th Street  
Lincoln, Nebraska 68509

If it is determined that the complaint is directly related to the local WIOA program, then the complaint/grievance will be remanded to the local area grievance process. Local level procedures shall be exhausted before the complaint may be addressed at the State level. The local area shall either resolve the complaint informally or have a hearing and issue a final local decision within sixty (60) days. Procedures for appealing to the State are found in NDOL Grievances and Complaints—WIOA Title I policy.

***Other Remedies***

Nothing prohibits a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of Title I of WIOA.

***Violations of the Labor Standards Provisions at Section 181(b)***

***Complaints Related to Conditions of Employment:***

Employees of the Local Areas and Sub-Contractors shall submit and resolve complaints through local employer procedures.

Each employer of WIOA participants who is a recipient of WIOA funds shall continue to operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.

Employers, including private-for-profit employers of WIOA participants, may operate their own grievance system or may utilize the grievance system established by the State or the Local Area. Employers shall inform WIOA participants of the grievance procedure they are to follow when the participant begins employment.

A complainant may appeal/submit the complaint if any of the following conditions exist:

- The employing agency does not operate a complaint system.
- The employing agency operates a complaint system but the procedures are not followed.
- The complaint alleges a violation of Federal or State rules and regulations.



***Appeal to the Secretary:***

When the grievance alleges violation of Section 181(b) and the grievance procedure rights have been exhausted or the 60-day time period has elapsed without a decision, either party to such procedure may submit the grievance to the Secretary of Labor. The Secretary shall investigate the allegations and make a determination as to whether a violation of Section 181(b) has occurred.

If a modification or reversal of the decision issued pursuant to the recipient's grievance procedure is warranted, or the 60-day time period has elapsed without a decision, the Secretary may modify or reverse the decision, or issue a decision if no decision has been issued, after an opportunity for a hearing.

If the Secretary determines the decision issued pursuant to the grievance procedure is appropriate, the determination shall become the final decision of the Secretary.

***Binding Arbitration:***

As an alternative to the above, a person alleging a violation of Section 181(b) may submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties to the grievance so provides. However, binding arbitration decisions are not reviewable by the Secretary, and the remedies available to the grievant are limited to those set forth in the Act.

***Violations of the Relocation Provisions in Section 181(d) of the Act***

When the grievance alleges violation of the Relocation Provisions in Section 181(d) of the Act, the grievance may be submitted to the Secretary of Labor for investigation to determine whether the State or local area is in compliance with the Act.

If the Secretary determines that a violation of the relocation prohibitions has occurred, the Secretary shall require the State that has violated such provisions to repay to the United States an amount equal to the amount expended in violation.

***Recordkeeping Requirements***

Complaint records must be retained for a minimum of three years following resolution of the complaint. These records should be made available for review, as needed for compliance verification purposes.

***Disclaimer***

This policy is based on Greater Lincoln's reading of the applicable statutes, regulations, rules and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules and guidance are issued. This policy may be subject to change as additional federal regulations and TEGLs are released.

## Appeals Procedures for Program Participants

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	<b>10-29-20</b>
<b>Supersedes:</b>	

This policy provides instruction on the appeals procedures for Workforce Innovation and Opportunity Act (WIOA) Title IB (Adult, Dislocated Worker and Youth) program participants.

It is the policy of the Greater Lincoln Workforce Development Board to ensure non-discrimination and equal opportunity while services are delivered under the Workforce Innovation and Opportunity Act (WIOA) by the Title I programs Service Provider(s) and Service Provider(s) staff. WIOA prohibits discrimination on the basis of race, color, national origin, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), age, disability, religion, political affiliation or belief, participant status, and citizenship status. Notice regarding this policy must be provided to: registrants, applications, employees, union or professional organizations that hold collective bargaining agreements with the grant recipient or Service Provider, members of the public including those with impaired vision or hearing, and any subcontractor who receives WIOA funds from the service provider or grant recipient. This notice will be provided in an appropriate format to individuals with visual impairments and the Service Provider(s) must be able to provide reasonable accommodations to all other individuals with disabilities so they may enjoy the benefits of the program. The notice may be provided by posting "Equal Opportunity is The Law" posters, personnel orientation, tag lines on stationary, pamphlets, handbooks, manuals, etc. Each individual who is registered for the WIOA Program will be requested to acknowledge they are aware of the Service Provider's position on Equal Opportunity and they may file a complaint if they believe they have been discriminated against.

There are two different processes for submission of complaints for subsequent resolution. One process is to ensure the complainants are able to submit a complaint on violations of the Equal Opportunity laws and complaints on discrimination and the other is for non-criminal type complaints regarding violations of WIOA or other federal and state laws or rules, including grant agreements, grant awards, collective bargaining agreements, failure to receive services, etc. The complaint processes are outlined in the Equal Opportunity and Non-Discrimination policy.

In general, if a complaint of discrimination is filed with the recipient, the complainant must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC).

If the recipient does not give the complainant a written Notice of Final Action within 90 days of the day the complaint was filed, the complainant does not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, the CRC complaint must be filed within 30 days of the 90-day deadline (in other words, within 120 days after the day on which the complainant filed the complaint with the recipient).

If the recipient does give the complainant a written Notice of Final Action on the complaint, but the complainant is dissatisfied with the decision or resolution, the complainant may then file a complaint with CRC. The complainant must file the CRC complaint within 30 days of the date on which he/she received the Notice of Final Action.

For Non-criminal complaints and Grievances of a Non-discriminatory nature alleging a violation of the requirements under Title I of WIOA, a violation of WIOA regulations or agreements under the Act, violations of the labor standards provisions at Section 181(b) and violations of relocation provisions in Sections 181(d), procedures have been established in conformance with Sections 181(c) of WIOA.

## **Protection**

These procedures are designed to ensure that the identity of a person who furnishes information or assists in the investigation of a complaint will be kept confidential to the extent possible consistent with a fair determination on the complaint. A complainant's rights include freedom from employment termination, discrimination, retaliation, or denial of WIOA benefits to which entitled because the person filed a complaint. The complainant's identity will be kept confidential to every extent possible unless and until identity is necessary to resolve the issue.

## **Reprisal**

Retaliation is prohibited against a person who files a complaint or testifies. An individual may file a complaint without fear of jeopardizing his/her WIOA participation, employment, advancement opportunities, salary increases, or any other rights and benefits.

## **Who May File**

A complaint may be filed by any person or organization affected by the local Workforce Development System, including but not limited to program participants, contractors, WIOA staff, local area staff, one stop partners, service providers, One Stop Partner staff, applicants for program participation, labor unions, and community based organizations.

## **Filing Deadline**

Non-criminal complaints and grievances of a nondiscriminatory nature should be filed as soon as possible and shall be filed within 180 days of the alleged occurrence.

## **How to File a Complaint**

Complaints shall be submitted in writing and contain the following:

- A. Full name, legal address, phone number of the complainant, and email address if available.
- B. Full name, address of the person or entity against whom the complaint is made.
- C. A clear statement of the facts and date(s) of the alleged violation.
- D. If known, the specific areas of Title I WIOA, its regulations, or other terms or conditions believed to have been violated.
- E. A statement as to whether or not the complaint has been filed anywhere else.
- F. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative.
- G. Must state the relief or remedial action sought.
- H. Copies of documents supporting or referred to in the complaint must be attached to the complaint.
- I. The complaint must be signed and dated by the complainant.
- J. The written complaint is to be given to the One-Stop Operator of the Greater Lincoln American Job Center or mailed to the: Greater Lincoln American Job Center, 1110 O Street, Suite 205, Lincoln, NE 68508, Attention One Stop Operator.

- K. If the complainant is unable to provide a written statement, an alternative method of obtaining written documentation from the complainant shall be pursued, which may include assistance by agency staff or the local service provider.

### **Where to get a Complaint Procedure/Form**

Procedures and forms are available upon request at the Lincoln American Job Center located at 1111 O Street in the Southeast Community College (SCC) Education Square Building or through the City of Lincoln Workforce Administrator, located at 555 South 10th Street, Suite 301, Lincoln, Nebraska 68508. In addition, a copy of the procedure may be obtained on the City of Lincoln's website. Any entity which is awarded Title I funds will provide and publish information on the complaint procedure and have forms available to participants upon request. WIOA Career Planners are required to explain the process to clients during the initial assessment process and make available a copy of this policy.

### **Resolving a Complaint**

- A. Complainants are encouraged to resolve complaints through informal discussion. If there is a mutually satisfactory resolution from the informal discussion, the One Stop Operator should include documentation in the file and in the complaint log stating the issues and the resolution. The matter would then be considered closed.
- B. If the complaint is not resolved through informal discussion, the complainant can choose to formally file a written complaint with the One Stop Operator.
- C. The One Stop Operator will formally acknowledge its receipt of a complaint within 5 days of receipt by a written acknowledgment. The acknowledgment will be sent to the complainant's last known address on record or as provided by the complainant.
- D. Within 14 days of receiving a complaint, the One Stop Operator will issue and send its initial determination to the complainant's last known address of record or address as provided by the complainant. The initial determination shall be construed as an informal resolution and will include:
  - i. Statement of complainant's issue(s).
  - ii. The One Stop Operator's determination.
  - iii. Reasons for the determination.
  - iv. An offer to accept the determination in writing.
- E. If the determination is not accepted, the complainant may request a hearing. The written request for a hearing must be made in writing by the complainant to the One Stop Operator and received by the One Stop Operator within 5 days of the complainant's receipt of the initial determination decision.
- F. Upon receipt of request for a hearing, the One Stop Operator will arrange it to be heard by a Hearing Committee of the Greater Lincoln Workforce Development Board designated by the Chairperson (hereinafter referred to as Committee) or by a hearing officer as designated by the Committee. The Committee shall have a minimum of 3 members for the hearing.
- G. The hearing will be arranged within 5 days from the date of receiving the request for a hearing.
- H. The complainant will be sent a written notice within 3 days after arranging a date that a hearing has been arranged and provide the location, date, and time of the hearing.
- I. The notice will include:
  - i. Identity of Committee or hearing officer as designated by the committee.
  - ii. Date, time and place that the hearing will be held.

- iii. Opportunity for the complainant to withdraw the request for a hearing. The request must be received in writing before the date of the hearing and must include a signed statement that the resolution is satisfactory.
  - iv. The opportunity to bring witnesses or documentary evidence.
  - v. The opportunity to be represented by an attorney or other representative chosen by the complainant.
  - vi. The opportunity to have relevant records and/or other documents surrendered for the hearing.
  - vii. The opportunity to question any witnesses.
- J. The hearing will be conducted within 25 days of receiving the request for a hearing. The hearing will be held informally; meaning that formal and/or technical rules of evidence do not apply. Opportunity shall be afforded all parties to present evidence or testimony bearing on the nature of the complaint.
- K. The Committee's decision will be given in writing to the complainant and One Stop Operator within 60 days of the date the formal complaint was received by the One Stop Operator. The decision will include:
- i. Statement of issue(s).
  - ii. Committee's decision.
  - iii. Reason(s) for the decision.
  - iv. Recommended action(s).
- L. The One Stop Operator will review and respond in writing to the Committee's decision within 5 days after receiving the decision and provide a copy to complainant. The One Stop Operator's written response to the recommended action will include:
- i. Summary of facts and findings.
  - ii. One Stop Operator response.
  - iii. Reason(s) for the response.
  - iv. Action(s) to be taken.
- M. The parties have a right to appeal for a review by the Nebraska Department of Labor's Commissioner, if the Committee's decision is not satisfactory or a decision has not been provided within 60 days of receipt of the formal complaint. The appeal for review must be filed within 10 days of receipt of the adverse determination or, if no determination is made within 60 days, then at any time prior to the receipt of a determination from the local level. To file an appeal with NDOL, a written request for informal resolution and a hearing must be submitted to:

Commissioner of Labor  
Nebraska Department of Labor  
PO Box 94600  
Lincoln, NE 68509-4600

A copy of the appeal to NDOL must be provided at the same time to:

Director, Office of Employment and Training  
Nebraska Department of Labor  
PO Box 94600

Lincoln, NE 68509-4600

The written request must include:

- A description of the grievance or complaint filed with the local area; and
- The reason for the appeal.

Absent extenuating circumstances, State staff will review and/or investigate, provide opportunity for a hearing, and the hearing officer (appointed by the Commissioner) to take place within thirty (30) calendar days of the Commissioner's receipt of the written request for a hearing. The hearing officer will issue a decision within 30 days calendar days of the hearing, to the extent possible. A complainant may withdraw his or her appeal at any time prior to the hearing. The decision is final unless appealed to the Federal Secretary of Labor. The Nebraska Department of Labor has issued a process for this appeal and for criminal complaints and appeals; these may be obtained by contacting the Nebraska Department of Labor, Office of Employment and Training, 550 South 16th Street, PO Box 94600, Lincoln, Nebraska 68509-4600.

### **Complaint Procedure Access and Understanding**

The Greater Lincoln American Job Center will make reasonable efforts as provided for in 29 CFR 37.35 to assure that information on the complaint procedure and complaint forms will be understood by individuals, including youth, and limited English speaking participants, in order to meet their language needs and be effectively informed.

### **Arbitration**

If an individual alleges a labor standard violation, such violation may be submitted to a binding arbitration procedure if such individual's collective bargaining agreement covering the parties to the grievance provides for an arbitration procedure.

### **Discrimination**

Any equal opportunity and discrimination charges or complaints are to be handled separately and may be filed with the Nebraska Equal Opportunity Commission. Procedures are available upon request at the Equal Opportunity Commission, 301 Centennial Mall South, 5th Floor, P.O. Box 94934, Lincoln, Nebraska, 68509 or you may call 402-471-2024 or 1-800-642-6112.

**FOR STATEWIDE WORKFORCE INVESTMENT SYSTEM GRIEVANCE OR COMPLAINT, PLEASE SEE PROCESS BELOW:**

### **Statewide Workforce Investment System Grievance or Complaint Review Process:**

Grievances and complaints from participants and other interested parties affected by Statewide Workforce Investment programs may be submitted to the State at:

**Director, Office of Employment and Training**  
**Nebraska Department of Labor**  
550 South 16th Street  
PO Box 94600



Lincoln, Nebraska 68509-4600

If it is determined that the complaint is directly related to the local WIOA program, then the complaint/grievance will be remanded to the local area grievance process. Local level procedures shall be exhausted before the complaint may be addressed at the State level. The local area shall either resolve the complaint informally or have a hearing and issue a final local decision within sixty (60) days.

**Elements to Include in the Complaint Requesting Appeal of Local Area Decision or State Review:**

- Complaints must be legible, signed by the complainant or the complainant's authorized representative, and dated. The date of receipt of the written complaint by the appropriate authority [local area, State, or direct recipient] triggers the clock for counting days of action taken.
- Complaints must pertain to a single subject, situation or set of facts.
- The name, address and phone number must be clearly indicated. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative must also appear in the complaint.
- Complaints must state the name of the party or parties complained against and, if known to the complainant, the address and phone number of the party or parties complained against.
- Complaints must contain a clear and concise statement of the facts including pertinent dates constituting the alleged violations.
- Complaints must cite the provisions of WIOA regulations, grants or other agreements under WIOA believed to have been violated, if known.
- Complaints must state the relief or remedial action(s) sought.
- Copies of documents supporting or referred to in the complaint must be attached to the complaint.

**Investigation and Initial Determination**

The Office of Employment and Training will review and/or investigate the alleged incident and issue a written initial determination within ten (10) days.

The Initial Determination will include:

- Statement of Issue(s)
- Initial Determination
- Reason for Determination
- Opportunity for Complainant to request a hearing if not satisfied with the determination.

**Hearing**

If the complainant is not satisfied with the Initial Determination, they may request a hearing before the Commissioner of Labor or an appointed representative. The request for hearing will be filed within seven (7) days of receipt of the Initial Determination. The hearing will be conducted in an informal manner and formal or technical rules of evidence will not apply.

If a hearing is requested, the Office of Employment and Training will:

- Arrange for a hearing in the complainants locale if possible.
- Insure the hearing is held within thirty (30) days of filing.
- Prepare a written notice of hearing and forward to all affected/interested parties.



The written notice of hearing will include:

- Identity of hearing officer, date, time, and place of hearing, how hearing will be conducted and issues to be decided.
- The opportunity to withdraw the request before the hearing. This request must be received in writing before the hearing date.
- The opportunity to bring witnesses and/or documentary evidence.
- The opportunity to be represented by an attorney or representative selected by the complainant.
- The opportunity to have records or documents relevant to the issues to be decided at the hearing produced by their custodian.
- The opportunity to question any witness or parties.
- The opportunity to amend the complaint prior to the hearing.

The decision of the hearing officer will be rendered, in writing, within ten (10) days from the date of hearing. The decision will include:

- A statement of issues presented at the hearing.
- Hearing Officer's decision.
- Reason for decision.
- Recommended remedies to be applied.

### **Appeal to the Secretary of Labor**

The Secretary of Labor shall investigate an allegation of a violation of the requirements of Title I if:

- A decision relating to a Statewide WIOA program grievance or complaint has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; OR
- A decision relating to such violation has been reached and the party to which such decision is adverse appeals such decision to the Secretary.

All appeals to the Secretary of Labor must be submitted by certified mail, return receipt requested, to the:

**Secretary**  
**U.S. Department of Labor**  
Washington, D.C. 20210  
Attention: ASET

A copy of the appeal must be simultaneously provided to the opposing party and to:

**Region V Administrator**  
**U.S. Department of Labor**  
Employment and Training Administration  
230 S. Dearborn Street  
Chicago, Illinois 60604

Appeals made under (2) above must be filed within sixty (60) days of the receipt of the decision being appealed. Appeals made under (1) above must be filed within 120 days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals should contain the following information:

- The full name, telephone number (if any) and address of the person making the complaint.
- The full name and address of the respondent against whom the complaint is made.
- A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation.
- The provisions of the Act, regulations or grant or other agreements under the Act believed to have been violated.
- A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority and if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case.
- The Secretary is required to make a final determination relating to an appeal no later than 120 days after receiving such appeal.

### **Remedies**

Remedies that may be imposed through this grievance/complaint process for a violation of any requirement of Title I shall be limited to:

- Suspension or termination of payments under this title;
- Prohibition of placement of a participant with an employer that has violated any requirement under this title;
- Where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- Where appropriate, any other relief available under Title I of WIOA.

### **Other Remedies**

Nothing prohibits a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of Title I of WIOA.

### **Violations of the Labor Standards Provisions at Section 181(b)**

#### ***Complaints Related to Conditions of Employment:***

Employees of the Local Areas and Sub-Contractors shall submit and resolve complaints through local employer procedures.

Each employer of WIOA participants who is a recipient of WIOA funds shall continue to operate or establish and maintain a grievance procedure relating to the terms and conditions of employment.

Employers, including private-for-profit employers of WIOA participants, may operate their own grievance system or may utilize the grievance system established by the State or the Local Area. Employers shall inform WIOA participants of the grievance procedure they are to follow when the participant begins employment.

A complainant may appeal/submit the complaint if any of the following conditions exist:

- The employing agency does not operate a complaint system.
- The employing agency operates a complaint system but the procedures are not followed.
- The complaint alleges a violation of Federal or State rules and regulations.

***Appeal to the Secretary:***

When the grievance alleges violation of Section 181(b) and the grievance procedure rights have been exhausted or the 60-day time period has elapsed without a decision, either party to such procedure may submit the grievance to the Secretary of Labor. The Secretary shall investigate the allegations and make a determination as to whether a violation of Section 181(b) has occurred.

If a modification or reversal of the decision issued pursuant to the recipient's grievance procedure is warranted, or the 60-day time period has elapsed without a decision, the Secretary may modify or reverse the decision, or issue a decision if no decision has been issued, after an opportunity for a hearing.

If the Secretary determines the decision issued pursuant to the grievance procedure is appropriate, the determination shall become the final decision of the Secretary.

***Binding Arbitration:***

As an alternative to the above, a person alleging a violation of Section 181(b) may submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties to the grievance so provides. However, binding arbitration decisions are not reviewable by the Secretary, and the remedies available to the grievant are limited to those set forth in the Act.

**Violations of the Relocation Provisions in Section 181(d) of the Act**

When the grievance alleges violation of the Relocation Provisions in Section 181(d) of the Act, the grievance may be submitted to the Secretary of Labor for investigation to determine whether the State or local area is in compliance with the Act.

If the Secretary determines that a violation of the relocation prohibitions has occurred, the Secretary shall require the State that has violated such provisions to repay to the United States an amount equal to the amount expended in violation.

**Recordkeeping Requirements**

Complaint records must be retained for a minimum of three years following resolution of the complaint. These records should be made available for review.

**Attachment A**

**Equal Opportunity is the Law**

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:<sup>[1]</sup><sub>SEP</sub>

- Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or<sup>[1]</sup><sub>SEP</sub>
- making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

*What to do if you believe you have experienced discrimination*

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the:

- **Employees, Applicants for Employment:**

Attention: Mindy Rush Chipman, Equity and Diversity Officer

555 S. 10<sup>th</sup> Street, #304, Lincoln, NE 68508

Phone: (402) 441-8691

- **Program Participants, Applicants for Assistance:**

Attention: Lin Quenzer, Ombudsman, Title VI/ADA Official

555 S 10th Street, #301, Lincoln, NE 68508

Phone: (402) 441-7511; or

- Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at [www.dol.gov/crc](http://www.dol.gov/crc).

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with

the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

**IMPORTANT!** This document contains **important information** about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. **Call (402) 413-9236** for assistance in the translation and understanding of the information in this document.

**Spanish ¡IMPORTANTE!** Este documento contiene **información importante** sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted. **Llame al (402) 413-9236** para pedir asistencia en traducir y entender la información en este documento.

**Chinese - Traditional**

重要須知!本文件包含重要資訊,事關您的權利、責任,和/或福利。請您務必理解本文件所含資訊,而我們也將使用您 偏好的語言,無償為您提供資訊。請致電 **(402) 413-9236** 洽詢翻譯及理解本文件資訊方面的協助。

**Vietnamese LƯU Ý QUAN TRỌNG!** Tài liệu này chứa **thông tin quan trọng** về quyền hạn, trách nhiệm và/hoặc quyền lợi của quý vị. Việc hiểu rõ thông tin trong tài liệu này là rất quan trọng, và chúng tôi sẽ cung cấp miễn phí cho quý vị thông tin này bằng ngôn ngữ mà quý vị ưa dùng. **Hãy gọi (402) 413-9236** để được hỗ trợ về việc thông dịch và hiểu thông tin trong tài liệu này.

**Tagalog MAHALAGA!** Naglalaman ang dokumentong ito ng **mahalagang impormasyon** tungkol sa iyong mga karapatan, responsibilidad at/o benepisyo. Napakahalaga na nauunawaan mo ang impormasyong nakapaloob sa dokumentong ito, at ibibigay namin nang libre ang impormasyon sa pinili mong wika. **Tumawag sa (402) 413-9236** upang humingi ng tulong sa pagsasaling-wika at pag-unawa sa impormasyong nasa dokumentong ito.

**French IMPORTANT!** Le présent document contient **des informations importantes** sur vos droits, vos responsabilités et/ou vos avantages. Il est essentiel que vous compreniez les informations figurant dans ce document, et nous vous fournirons gratuitement les informations dans la langue de votre choix. **Appelez au (402) 413-9236** pour obtenir de l'aide pour la traduction et la compréhension des informations contenues dans le présent document.

**Haitian Creole ENPÒTAN!** Dokiman sa a gen **enfòmasyon enpòtan** ladan konsènan dwa, responsablite ak/oswa avantaj ou yo. Li ap vrèman enpòtan pou ou konprann enfòmasyon yo ki nan dokiman sa a, epi n ap ba ou enfòmasyon sa yo nan lang ou prefere a gratis. **Rele (402) 413-9236** pou jwenn asistans pou tradui ak pou konprann enfòmasyon ki nan dokiman sa a.

**Portuguese IMPORTANTE!** Este documento contém **informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É essencial que compreenda as informações constantes neste documento, as quais disponibilizaremos, gratuitamente, na língua à sua escolha. **Contacte o número (402) 413-9236** para solicitar ajuda para traduzir e compreender as informações contidas neste documento.

**Arabic مهم!** يحتوي هذا المستند على معلومات مهمة حول حقوقك ومسؤولياتك و/أو فوائدها. من الأهمية بمكان فهم المعلومات الواردة في هذا المستند، وسنوفر المعلومات بلغتك

المفضلة دون تحميلك أي تكلفة. اتصل على الرقم **(402) 413-9236** للحصول على مساعدة في ترجمة المعلومات الواردة في هذا المستند وفهمها.

**Russian ВАЖНО!** В настоящем документе содержится **важная информация** о ваших правах, обязанностях и/или преимуществах. Крайне важно, чтобы вы поняли информацию, содержащуюся в данном документе, а мы бесплатно предоставим вам эту информацию на выбранном вами языке. **Позвоните по телефону (402) 413-9236** для получения помощи в переводе и понимании информации, содержащейся в данном документе.

**Korean 중요!** 본문서는귀하의권리,책임및/또는이익에관한중요한정보를포함하고있습니다.

귀하가본문서에있는정보를 이해하는 것은 대단히 중요하며, 귀하가 원하는 언어로 정보를 제공받으실 수 있습니다. **(402) 413-9236** 로 전화하여 본 문서에 있는 정보의 번역 및 이해를 위해 도움받으시길 바랍니다.



## Administrative Cost Limitations Policy

<b>Effective Date:</b>	<b>7-1-2017</b>
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board's policy on administrative cost limitations requires compliance with WIOA and 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule (Uniform Guidance) which provide administrative cost limitations that apply to local area WIOA expenditures as follows:

- Of the amount allocated to Greater Lincoln under Sections 128(b) – Youth Activities or 133 (b) – Adult and Dislocated Worker Employment and Training Activities for a fiscal year, **not more than 10 percent of the amount may be used by the Greater Lincoln Workforce Development Board for the administrative costs of carrying out youth workforce development activities or adult and dislocated worker employment and training activities.**
- The administrative allocation may be used by the Greater Lincoln local area for the administrative cost of carrying out youth workforce development activities or adult and dislocated worker employment and training activities, regardless of whether the funds were allocated under 128(b) or 133(b), and do not need to be allocated back to the individual funding streams.

### Cost of Administration

The costs of administration, or “administrative costs,” are expenditures incurred by the Chief Elected Officials Board, Greater Lincoln Workforce Development Board, Administrative Entity, program service providers, and One-Stop Operator that are associated with following functions:

1. Performing overall general administrative functions and coordination of those functions under Title I of WIOA:
  - Accounting, budgeting, financial and cash management functions;
  - Procurement and purchasing functions;
  - Property management functions;
  - Personnel management functions;
  - Payroll functions;
  - Coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;
  - Audit functions;
  - General legal services functions; and
  - Fiscal agent responsibilities;
2. Performing oversight and monitoring responsibilities related to WIOA administrative functions;
3. Costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space;
4. Travel costs incurred for official business in carrying out administrative activities or the overall management of the WIOA system; and

5. Costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting and payroll systems) including the purchase, systems development and operating costs of such systems.<sup>2</sup>

These costs can be both personnel and non-personnel, and both direct and indirect.

### **Activities that can be Administrative, Programmatic, or Both**

Awards to sub-recipients or contractors that are solely for the performance of administrative functions are classified as administrative costs.<sup>3</sup>

Personnel and related non-personnel costs of staff that perform both administrative functions specified in 20 CFR § 683.215(b) (the bulleted list above) and programmatic services or activities must be allocated as administrative or program costs to the benefitting cost objectives/categories based on documented distributions of actual time worked or other equitable cost allocation methods.<sup>4</sup>

Specific costs charged to an overhead or indirect cost pool that can be identified directly as a program cost are to be charged as a program cost. Documentation of such charges must be maintained.<sup>5</sup> These charges are most commonly found on invoices and accounts payable documents.

Except for awards to local area or contractors that are solely for the performance of administrative functions, all costs incurred for functions and activities of sub-recipients (other than a sub-recipient appointed pursuant to 107(d)(12)(B)(i)(II)) and contractors are program costs.<sup>6</sup>

Continuous improvement activities are charged to the administration or program category based on the purpose or nature of the activity to be improved.<sup>7</sup>

Costs of the following information systems including the purchase, systems development, and operational cost (e.g. data entry) are charged to the program category:

- Tracking and monitoring of participant and performance information;
- Employment statistics information, including job listing information, job skills information, and demand occupation information;
- Performance and program cost information on eligible providers of training services, youth activities, and appropriate education activities;
- Local area performance information; and
- Information relating to supportive services and unemployment insurance claims for program participants.<sup>8</sup>

### **Streamlining**

Where and when possible, the Greater Lincoln local area makes every effort to streamline services in order to reduce administrative cost by minimizing duplication and effectively using information technology to improve services.

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<sup>2</sup> 20 CFR § 683.215(b)

<sup>3</sup> 20 CFR § 683.215(c)(1)

<sup>4</sup> 20 CFR § 683.215(c)(2)

<sup>5</sup> 20 CFR § 683.215(c)(3)

<sup>6</sup> 20 CFR § 683.215(c)(4)

<sup>7</sup> 20 CFR § 683.215(c)(5)

<sup>8</sup> 20 CFR § 683.215(c)(6)

### **Direct & Indirect Costs under the Uniform Guidance**

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect Facilities and Administration (F&A) costs of federal awards. Typical costs charged directly to a federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the federal award. If directly related to a specific award, certain costs that otherwise would be treated as indirect costs may also include extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations.<sup>9</sup> Administrative costs are allowable when they are included in the approved budget or have prior approval by the federal awarding agency.

There is no universal rule for classifying certain costs as either direct or indirect (F&A) under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect (F&A) cost in order to avoid possible double-charging of federal awards.<sup>10</sup> Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs.<sup>11</sup>

### **Administrative Costs may be Associated with Direct Costs**

Direct costs are those costs that can be specifically identified to a federal award, project, or activity; or that can be directly assigned to such activities relatively easily with a high degree of accuracy.<sup>12</sup> Examples of direct costs include direct labor and related fringe benefit cost, direct material, supplies, consultants, sub-awards, and travel.<sup>13</sup>

The salaries of administrative and clerical staff should normally be treated as indirect (facilities & administrative (F&A)) costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

- Administrative or clerical services are integral to a project or activity;
- Individuals involved can be specifically identified with the project or activity;
- Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency; and
- The costs are not also recovered as indirect costs.<sup>14</sup>

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<sup>9</sup> 2 CFR § 200.413(b)

<sup>10</sup> 2 CFR § 200.412

<sup>11</sup> 2 CFR § 200.413(a)

<sup>12</sup> Id.

<sup>13</sup> 2 CFR § 200.413(b), Appendix IV B.3.b(4)

<sup>14</sup> 2 CFR § 200.413(c)

### **Administrative Costs may be Associated with Indirect Costs**

The Uniform Guidance provides that indirect (F&A) costs means those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (F&A) costs. Indirect (F&A) cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.<sup>15</sup>

Indirect costs are costs not directly identified with a single final cost objective (grant), but instead relate to two or more final cost objectives/grants.<sup>16</sup> Such costs cannot be economically traced to each grant so they must be placed in a cost pool to be allocated on a causal-beneficial basis to the final cost objective or grant.

### **One-Stop Administrative Cost Limits**

In a One-Stop environment, administrative costs borne by other sources of funds, such as Wagner-Peyser or another one stop partner, are not included in the administrative cost limit calculation. Each program's administrative activities are chargeable to its own grant and subject to its administrative cost limitations.<sup>17</sup>

The costs of negotiating a memorandum of understanding or infrastructure agreement under Title I of WIOA are excluded from administrative cost limitations.<sup>18</sup>

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<sup>15</sup> 2 CFR § 200.56

<sup>16</sup> 2 CFR Part 200, Appendix IV A.1

<sup>17</sup> 20 CFR § 683.205(a)(4)

<sup>18</sup> 20 CFR § 683.205(a)(5)

## Contracting with Training Providers for Training Services

<b>Effective Date:</b>	7-1-2017
<b>Modified:</b>	
<b>Supersedes:</b>	

The Greater Lincoln Workforce Development Board's policy restricts the use of training providers to the following: those providers on the Eligible Training Provider List (ETPL) eligible to receive funding through Individual Training Accounts (ITAs).

The Board may recognize limited exceptions to the use of ITAs. Contracts for services may be used instead of ITAs **only** when one (1) or more of the following five (5) exceptions apply and the local area has fulfilled the consumer choice requirements:

1. when the services provided are on-the-job training (OJT), customized training, incumbent worker training, or transitional employment;
2. when the local board determines that there are an insufficient number of eligible training providers in the local area;

The local area plan must describe the process to be used in selecting the providers under a contract for services. **This process must include a public comment period for interested providers of at least thirty (30) days.**

3. when the local board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization or another private organization to serve individuals with barriers to employment;

The local board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include, but are not limited to:

- financial stability of the organization;
- demonstrated performance in the delivery of services to hard to serve participant populations through such means as program completion rate; attainment of skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment and retention in employment; and
- the relevance of the specific program to the workforce development needs identified in the local plan;

Individuals with barriers to employment include the following:

- displaced homemakers;
- low-income individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- individuals with disabilities;
- older individuals, i.e., those aged 55 or over;
- ex-offenders;
- homeless individuals;
- youth who are in or have aged out of the foster care system;

- individuals who are English language learners;
- individuals who have low levels of literacy;
- individuals facing substantial cultural barriers;
- eligible migrant and seasonal farmworkers [defined in Sec. 167(i) of WIOA];
- individuals with two (2) years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF);
- Single-parents (including single pregnant women);
- long-term unemployed individuals; and
- other groups determined by the governor to have barriers to employment.

4. when the local board determines that it would be most appropriate to contract with an institution of higher education or other eligible provider of training services that will facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice; or

5. when the local board is considering entering into a pay-for-performance contract, and the local board ensures the contract is consistent with WIOA requirements on pay-for-performance contracts (see 20 CFR § 683.510).

It is the Board's policy that exceptions are intended to meet special needs and should be used infrequently. Should an exception be identified and approved by action of the Board to move forward to consideration for contracting, the Board will first review the Local/Regional plan to determine if a revision is necessary. Requirements of federal law, state policy, and City of Lincoln policy will be reviewed to ensure that the necessary criteria comply with the procurement policies as applicable.

It should be noted that on-the-job training programs are exempted from the requirements of the eligible training provider provisions of WIOA as are customized training, incumbent worker training, internships, paid or unpaid work experience opportunities; and transitional jobs

## **Procurement Standards and Procedures**

The Greater Lincoln Workforce Development Board's policy follows the procedures of the City of Lincoln/Lancaster County Purchasing Policy as well as the standards of the WIOA, Uniform Guidance requirements and the Nebraska Department of Labor's Policy on Procurement Standards.

[City of Lincoln & Lancaster County Federal Procurement Manual](#)